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The Works of Henry Clay

Volume Seven

Speeches

Part Two

NOTE

As originally printed, the *Speeches* were issued in two thick volumes. In this edition the material has been divided into four volumes. The paging is continuous through the first and second, and through the third and fourth.

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BARGAIN AND CORRUPTION

LEXINGTON, JULY 12, 1827.

[THE following is one of the most spirited speeches which Mr. Clay ever made, and he was justly provoked to it. If any one would understand the wickedness of General Jackson, in his attempts to injure Mr. Clay, and his determination to make his way to the presidency at the expense of truth and fairness, he must read this document; and if he can find any satisfaction in seeing such iniquity exposed in the most fervid style of eloquence, and by the closest reasoning, he will find it here. In this great and complicated conspiracy, there was always the most studied avoidance of a fair hearing. The great object was to keep it before the public in such forms as to injure Mr. Clay, and help General Jackson to the presidency. When the charge was first brought by Kremer, a member of the House of Representatives from Pennsylvania, Mr. Clay instantly demanded an investigation by a special committee of that body. But investigation and the truth were not the things wanted, and it was therefore evaded by artifice. Agitation, by false statements circulated among the people, was the grand device; and after keeping these false statements afloat for two years, General Jackson comes out, over his own name, with a hypothetical charge, indeed, and yet such as would seem to be direct and explicit, and which would be received as such. It was left to Mr. Clay, in the following speech, to expose its atrocious character. But the charge, like every lie, would travel over the Continent, while Truth was putting its boots on. General Jackson's letter would be universally read, and regarded by most people as plausible, while Mr. Clay's exposure of its falsehood would have a comparatively limited circulation. The exceedingly wicked character and purpose of the letter can only be appreciated by a perusal of the following discourse. It was called forth by a toast, at a dinner given to Mr. Clay at Lexington, as follows:

"*Our distinguished guest*, HENRY CLAY: the furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends; while his enemies shall sink with the dross of their own vile materials."]

MR. PRESIDENT, FRIENDS, AND FELLOW-CITIZENS—I beg permission to offer my hearty thanks, and to make my respectful acknowledgments, for the affectionate reception which has been given me during my present visit to my old congressional district, and for this hospitable and honorable testimony of your esteem and confidence. And I thank you especially for the friendly sentiments and feelings expressed in the toast which you have just done me the honor to drink. I always had the happiness of knowing that I enjoyed, in a high degree, the attachment of that portion of my fellow-citizens whom I formerly represented; but I should never have been sensible of the strength and ardor of their affection, except for the extraordinary character of the times. For nearly two years and a half I have been assailed with a rancor and bitterness which have few examples. I have found myself the particular object of concerted and concentrated abuse; and others, thrusting themselves between you and me, have dared to arraign me for treachery to your interests. But my former constituents, unaffected by the calumnies which have been so perseveringly circulated to my prejudice, have stood by me with a generous confidence and a noble magnanimity. The measure of their regard and confidence has risen with and even surpassed, that of the malevolence, great as it is, of my personal and political foes. I thank you, gentlemen, who are a large portion of my late constituents. I thank you, and every one of them, with all my heart, for the manly support which I have uniformly received. It has cheered, and consoled me, amid all my severe trials; and may I not add, that it is honorable to the generous hearts and enlightened heads who have resolved to protect the character of an old friend and faithful servant?

The numerous manifestations of your confidence and attachment will be among the latest and most treasured recollections of my life. They impose upon me obligations which can never be weakened or canceled. One of these obligations is, that I should embrace every fair opportunity to vindicate that character which you have so generously sustained, and to evince to you and to the world, that you have not yielded to the impulses of a blind and enthusiastic sentiment. I feel that I am, on all fit occasions, especially bound to vindicate myself to my former constituents. It was as their representative, it was in fulfillment of a high trust which they confided to me, that I have been accused of violating the most sacred of duties—of treating their wishes with contempt, and their interests with treachery. Nor is this obligation, in my conception of its import, at all weakened by the dissolution of the relations which heretofore existed between us. I would instantly resign the place I hold in the councils of the nation, and directly appeal to the suffrages of my late constituents, as a

candidate for re-election, if I did not know that my foes are of that class whom one rising from the dead can not convince, whom nothing can silence, and who wage a war of extermination. On the issue of such an appeal they would redouble their abuse of you and of me, for their hatred is common to us both.

They have compelled me so often to be the theme of my addresses to the people, that I should have willingly abstained, on this festive occasion, from any allusion to this subject, but for a new and imposing form which the calumny against me has recently assumed. I am again put on my defense, not of any new charge, nor by any new adversary; but of the old charges, clad in a new dress, and exhibited by an open and undisguised enemy. The fictitious names have been stricken from the foot of the indictment, and that of a known and substantial prosecutor has been voluntarily offered. Undaunted by the formidable name of that prosecutor, I will avail myself, with your indulgence, of this fit opportunity of free and unreserved intercourse with you, as a large number of my late constituents, to make some observations on the past and present state of the question. When evidence shall be produced, as I have now a clear right to demand, in support of the accusation, it will be the proper time for me to take such notice of it as its nature shall require.

In February, 1825, it was my duty, as the representative of this district, to vote for some one of the three candidates for the presidency, who were returned to the House of Representatives. It has been established, and can be further proved, that, before I left this State the preceding fall, I communicated to several gentlemen of the highest respectability my fixed determination not to vote for General Jackson. The friends of Mr. Crawford asserted to the last that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four States voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him at the head of the government able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon, the counsels of his official advisers. I add, with unmixed pleasure, that, from the commencement of

the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his cabinet so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present president.

Had I voted for General Jackson, in opposition to the well-known opinions which I entertained of him, one tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, I should have felt that I really deserved it.

Before the election, an attempt was made by an abusive letter, published in the Columbian Observer, at Philadelphia, a paper which, as has since transpired, was sustained by Mr. Senator Eaton, the colleague, the friend, and the biographer of General Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the House of Representatives an investigation. A committee was accordingly, on the 5th day of February, 1825, appointed in the rare mode of balloting by the House, instead of by selection of the Speaker. It was composed of some of the leading members of that body, not one of whom was my political friend in the preceding presidential canvass. Although Mr. Kremer, in addressing the House, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it were true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled. All these powerful considerations had no weight with the conspirators and their accessories, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons—because, being false and fabricated, they could adduce no proof which was not false and fabricated.

During two years and a half, which have now intervened, a portion of the press devoted to the cause of General Jackson has been teeming with the vilest calumnies against me, and the charge, under every chameleon form, has been a thousand times repeated. Up to this time I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, Christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between

political and other offenses? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offense is absolved from the duty of supporting his accusation, every other accuser of offense stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None—no age, nor sex, nor profession, nor calling—would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny.

No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offenses, may be established by circumstantial as well as positive evidence. But I do contend, that some evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offense has been perpetrated? If they do know it, let us have the fact on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his opinions of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as opinions. The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offense has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is or can be adduced?

It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has at last extorted from General Jackson his letter of the 6th of June, lately published. I approach that letter with great reluctance, not on my own account, for on that I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance, excited by the feelings of respect which I would anxiously have cultivated toward its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its contents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which General Jackson stands before the American public. He is a candidate for the presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent,

of the imputed arrangement between us. His innocence is absolutely irreconcilable with my guilt. If General Jackson, therefore, can establish my guilt, and, by inference, or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief, that his purity and integrity alone prevented his success before the House of Representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate, was there ever greater interest, at all hazards, to prove the truth of charges?

I state the case, I hope, fairly; I mean to state it fairly and fearlessly. If the position be one which exposes General Jackson to unfavorable suspicions, it must be borne in mind that he has voluntarily taken it, and he must abide the consequences. I am acting on the defensive, and it is he who assails me, and who has called forth, by the eternal laws of self-protection, the right to use all legitimate means of self-defense.

General Jackson has shown in his letter, that he is not exempt from the influence of that bias toward one's own interest, which is unfortunately the too common lot of human nature. It is *his* interest to make out that he is a person of spotless innocence, and of unsullied integrity; and to establish, by direct charge, or by necessary inference, the want of those qualities in his rival. Accordingly, we find, throughout the letter, a labored attempt to set forth his own immaculate purity in striking contrast with the corruption which is attributed to others. We would imagine from his letter, that he very seldom touches a newspaper. The Telegraph is mailed regularly for him at Washington, but it arrives at the Hermitage very irregularly. He would have the public to infer, that the postmaster at Nashville, whose appointment happened not to be upon his recommendation, obstructed his reception of it. In consequence of his not receiving the Telegraph, he had not on the 6th of June, 1827, seen Carter Beverley's famous Fayetteville letter, dated the 8th of the preceding March, published in numerous gazettes, and published, I have very little doubt, although I have not the means of ascertaining the fact, in the gazettes of Nashville. I will not say, contrary to General Jackson's assertion, that he had never read that letter, when he wrote that of the 6th of June, but I must think that it is very strange that he should not have seen it; and I doubt whether there is another man of any political eminence in the United States who has not read it. There is a remarkable coincidence between General Jackson and certain editors who espouse his interest, in relation to Mr. Beverley's letter. They very early took the ground, in respect to it, that I ought, under my own signature, to come out and deny the statements. And General Jackson now says, in his letter of the 6th of June, that he "always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends

and to me, that I would give him the name of the gentleman through whom that communication came."

The distinguished member of Congress who bore the alleged overture, according to General Jackson, presented himself with diplomatic circumspection, lest he should wound the very great sensibility of the general. He avers that the communication was intended with the most friendly motives; "that he came as a friend," and that he hoped, however it might be received, there would be no alteration in the friendly feelings between them. The general graciously condescends to receive the communication, and, in consideration of the high standing of the distinguished member, and of his having always been a professed friend, he is promised impunity, and assured that there shall be no change of amicable ties. After all these necessary preliminaries are arranged between the high negotiating powers, the envoy proceeds: "He had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected president, Mr. Adams would be continued Secretary of State, (innuendo, there would be no room for Kentucky)." [Is this General Jackson's innuendo, or that of the distinguished member of Congress?] "That the friends of Mr. Clay stated the West does not want to separate from the West and if I would say, or permit any of my confidential friends to say that, in case I was elected president, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons." To which the general states himself to have replied in substance, "that in politics, as in every thing else, my guide was principle, and contrary to the expressed and unbiased will of the people or their constituted agents, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends (for I did suppose he had come from Mr. Clay, although he used the terms Mr. Clay's friends), that before I would reach the presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them." Now all these professions are very fine, and display admirable purity. But its sublimity would be somewhat more impressive, if some person other than General Jackson had proclaimed it. He would go into the presidential chair, but never, no! never, contrary to "the expressed and unbiased will of the people, or their constituted agents:" two modes of arriving at it the more reasonable, as there happens to be no other constituted way. He would see "the earth open and swallow both Mr. Clay and his friends and myself," before he would reach the presidential chair by "such means of bargain and corruption." I hope General Jackson did not intend that the whole human race should be also

swallowed up, on the contingency he has stated, or that they were to gnaranty that he has an absolute repugnance to the employment of any exceptionable means to secure his elevation to the presidency. If he had rendered the distinguished member of Congress a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him and the infamous propositions which he bore to the American public, we should be a little better prepared to admit the claims to untarnished integrity, which the general so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it, and yet that person still retains the friendship of General Jackson, who is so tender of his character that his name is carefully concealed and reserved to be hereafter brought forward as a witness! A man, who, if he be a member of the House of Representatives, is doubly infamous—infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body of which he is a sworn member—is the credible witness by whom General Jackson stands ready to establish the corruption of men whose characters are never questioned.

Of all the properties which belong to honorable men, not one is so highly prized as that of character. General Jackson can not be insensible to its value, for he appears to be the most anxious to set forth the loftiness and purity of his own. How has he treated mine? During the dispensation of the hospitalities of the Hermitage, in the midst of a mixed company of individuals from various States, he permits himself to make certain statements respecting my friends and me, which, if true, would forever dishonor and degrade us. The words are hardly passed from his mouth, before they are committed to paper by one of his guests, and transmitted in the form of a letter to another State, when they are published in a newspaper, and thence circulated throughout the Union. And now he pretends that these statements were made "without any calculation that they were to be thrown into the public journals." Does he reprove the indiscretion of his guest who had violated the sanctity of a conversation at the hospitable board? Far from it. The public is incredulous. It can not be, General Jackson would be so wanting in delicacy and decorum. The guest appeals to him for the confirmation of the published statements; and the General promptly addresses a letter to him, in which "he unequivocally confirms (says Mr. Carter Beverely), all I have said regarding the overture made to him pending the last presidential election before Congress; and he asserts a great deal more than he ever told me." I should be glad to know if all the versions of the tale have now made their appearance, and whether General Jackson will allege, that he did not "calculate" upon the publication of his letter of the 6th of June.

The general states that the unknown envoy used the terms, "Mr Clay's friends," to the exclusion, therefore, of myself, but he nevertheless inferred that he had come from me. Now, why did he draw this inference contra-

ry to the import of the statement which he received? Does not this disposition to deduce conclusions unfavorable to me, manifest the spirit which actuates him? And does not General Jackson exhibit throughout his letter a desire to give a coloring to the statements of his friend, the distinguished member of Congress, higher than they would justify? No one should ever resort to implication but from necessity. Why did he not ascertain from the envoy if he had come from me? Was any thing more natural than that General Jackson should ascertain the persons who had deputed the envoy? If his slacked sensibility and indignant virtue and patriotism would not allow him to inquire into particulars, ought he to have hazarded the assertion, that I was privy to the proposal, without assuring himself of the fact; could he not, after rejecting the proposal, continuing, as he did, on friendly terms with the organ of it, have satisfied himself if I were conusant of it? If he had not time then, might he not have ascertained the fact from his friend or from me, during the intervening two and a half years? The compunctions of his own conscience appear for a moment to have visited him toward the conclusion of his letter, for he there does say, "that in the supposition stated, I may have done injustice to Mr. Clay; if so, the gentleman informing me can explain." No good or honorable man will do another voluntarily any injustice. It was not necessary that General Jackson should have done me any. And he can not acquit himself of the rashness and iniquity of his conduct toward me, by referring at this late day to a person whose name is withheld from the public. This compendious mode of administering justice, by first hanging and then trying a man, however justifiable it may be, according to the precepts of the Jackson code, is sanctioned by no respectable system of jurisprudence.

It is stated in the letter of the 6th of June, that the overture was made early in January; and that the second day after the communication, it "was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams." The object of this statement is obvious. It is to insinuate that the proposal which was rejected with disdain by General Jackson, was accepted with promptitude by Mr. Adams. This renders the fact as to the time of the alleged annunciation very important. It is to be regretted that General Jackson had not been a little more precise. It was early in January that the overture was made, and the second day after, the annunciation of my intention took place. Now, I will not assert that there may not have been some speculations in the newspapers about that time (although I do not believe there were any speculations so early), as to the probable vote I should give; but I should be glad to see any newspaper which the second day after early in January, asserted in its columns, that I had come out "openly and avowedly in favor of Mr. Adams." I challenge the production of such a paper. I do not believe my intention so to vote for Mr. Adams was announced in the newspapers openly and avowedly during the whole month of January, or at any rate

until late in that month. The only avowal of my intention to vote for him, which was publicly made in the newspapers, prior to the election, is contained in my letter to Judge Brooke, which is dated the 28th of January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further: I do not believe any newspaper at Washington can be produced, announcing, before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. General Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer bearing date the 25th of January, has, according to my recollection of the public prints, a claim to the merit of being the first, or among the first, to announce to the public my intended vote. That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington city, on the 31st of January. How long before its date that letter was written to Mr. Kremer, does not appear. Whether there be any connection made by the distinguished member of Congress, and that letter, perhaps General Jackson can explain.

At the end of more than two years, after a corrupt overture has been made to General Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the general has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the editor of the Telegraph asserted, in his paper, that General Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington on the 10th of last month, I have understood that General Jackson has made a similar communication to several other persons at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph, the leading paper supporting the interest of General Jackson, and through his other depositories, the belief of the charge should be duly and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the general found it to be necessary to come out in proper person, through the thin vail of Mr. Carter Beverley's agency?

When the alleged overture was made, the election remained undecided. Why did not General Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had at that time denounced all the infamous parties concerned, demanded an inquiry in the House of Representatives, and established by satisfactory proof the truth of his accusation, there might and probably would have been a different

result to the election. Why, when at my instance, a committee was on the 5th day of February, 1825 (only four days before the election), appointed to investigate the charges of Mr. Kremer, did not General Jackson present himself and establish their truth? Why, on the 7th of that month, two days before the election, when the committee reported that Mr. Kremer declined to come forward, and that "if they knew of any reason for such investigation, they would have asked to be clothed with the proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the House the communication which they have received;" why did not General Jackson authorize a motion to recommit the report, and manfully come forward with all his information? The Congress of the nation is in session. An important election has devolved on it. All eyes are turned toward Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition affecting the election is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A committee is in session to investigate the very charge. The candidate, notwithstanding, remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time, announces it to the American republic! They must have more than an ordinary share of credulity who do not believe that General Jackson labors under some extraordinary delusion.

It is possible that he may urge by way of excuse, for what must be deemed his culpable concealment of meditated corruption, that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished member of the House of Representatives, although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American senator? More than two months after the alleged overture, my nomination to the office which I now hold, was made to the Senate of the United States, of which General Jackson was then a sworn member. On that nomination he had to deliberate and to act in the most solemn manner. If I were privy to a corrupt proposal to General Jackson, touching the recent election; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy of the office to which I was nominated; and it was the duty of General Jackson, if he really possessed the information which he now puts forward, to have moved the Senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the national councils from an abominable contamination. As the conspiracy of George Kremer & Co. had a short time before meanly shrunk from appearing before the committee of the House of Representatives, to make good their charges, I requested a senator of the United States, when my nomination should be taken up, to ask of the Senate the

appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our senators was compelled, by the urgency of his private business, to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a senator from another State. I was afterward informed that when it was acted upon, General Jackson, and every other senator present, was silent as to the imputation now made; no one presuming to question my honor or integrity. How can General Jackson justify to his conscience or to his country this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. He was in possession of information which, if true, must have occasioned the rejection of my nomination. It does not appear that any other senator possessed the same information. Investigation was alike due to the purity of the national councils, to me, and, as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless as a senator of the United States, or has lent himself to the circulation of an atrocious calumny.

After the election, General Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election, General Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the 10th of February, 1825, the very next day after the election, General Jackson was invited to a public dinner at Washington, by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because, alluding to the recent election, he said, "any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it EXCEPTION, murmuring, and feelings of complaint, which I sincerely hope belong to none of my friends." More than one month after the corrupt proposal is pretended to have been received, and after, according to the insinuation of General Jackson, a corrupt arrangement had been made between Mr. Adams and me; after the actual termination of an election, the issue of which was brought about, according to General Jackson, by the basest means, he was unwilling to accept the honors of a public dinner, lest it should imply even an exception against the result of the election.

General Jackson professes in his letter of the 6th of June—I quote again his words—"to have always intended, should Mr. Clay come out over his own signature, and deny having had any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came." He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under my signature is precisely that which had been urged by the principal editors who sustain his cause. If this be an

unconcerted, it is nevertheless a most wonderful coincidence. The general never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself, it was profoundly concealed from me. There was an authorized denial from me, which went to the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington city on the 18th day of April last, and are correctly stated to have been "that the statement that his (my) friends had made such a proposition as the latter describes to the friends of General Jackson was, as far as he knew or believed, utterly destitute of foundation; that he was unwilling to believe that General Jackson had made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character, and propping the cause of General Jackson; and then for himself and his friends he defied the substantiation of the charge before any fair tribunal whatever." Such were my own words, transmitted in the form of a letter from a friend to a known person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature, in my card of the 31st of January, 1825, published in the National Intelligencer? Was not there a substantial denial of it in my letter to Judge Brooke, dated the 28th of the same month? In my circular to my constituents? In my Lewisburg speech? And may I not add, in the whole tenor of my public life and conduct? If General Jackson had offered to furnish me the name of a member of Congress, who was capable of advising his acceptance of a base and corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted and repeated, that I violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents. The General Assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself, voted in opposition to that request. The Legislature did not intend to give an imperative instruction. The distinction between a request and an instruction was familiar to the Legislature, and their rolls attest that the former is always addressed to the members of the House of Representatives, and the latter only to the Senators of the United States.

But I do not rely exclusively on this recognized distinction. I dispute at once the right of the Legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the Constitution, in the reason or nature of things, nor in the usage of the Kentucky Legislature. Its exercise would be a manifest usurpation. The General Assembly has the incontrovertible right to express its opinions and to pro-

claim its wishes on any political subject whatever; and to such an expression great deference and respect are due; but it is not obligatory. The people, when, in August, 1824, they elected members to the General Assembly, did not invest them with any power to regulate or control the exercise of the discretion of the Kentucky delegation in the Congress of the United States. I put it to the candor of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power, by the Legislature, when he gave his vote in August, 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the Legislature. You subsequently ratified my vote by unequivocal demonstrations, repeatedly given, of your affectionate attachment and your unshaken confidence. You ratified it two years ago, by the election of my personal and political friend (Judge Clarke) to succeed me in the House of Representatives, who had himself subscribed the only legitimate instruction which I received. You ratify it by the presence and the approbation of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore, malignant whispers and dark surmise have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask, and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the capitol, the saloons of the Hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demanded the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offense does not comprehend a single friend, but the collective body of my friends in Congress; and it accuses them of offering, and me with sanctioning, corrupt propositions, derogating from honor, and in violation of the most sacred duties. The charge has been made after two years' deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as President of the United States, I gave him no just cause of offense. I exercised no more than my indisputable privilege, as on a subsequent occasion, of which I have never complained, he exercised his in voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every

other free state, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government. I believe so yet; and I shall consider the days of the commonwealth numbered, when an opposite principle is established. I believed, and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the presidency. If we start right, we may run a long race of liberty, happiness, and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done General Jackson, knowingly, any injustice. I have taken pleasure, on every proper occasion, to bestow on him merited praise, for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own State had avenged, on the banks of the Mississippi, the blood which they had so freely spilt on the disastrous field of Raisin. That hope was not then gratified; and although I had the mortification to read in the official statement, that they ingloriously fled, I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever-memorable victory. This concession is not now made for the purpose of conciliating the favor or mitigating the wrath of General Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

I have, as your representative, freely examined, and in my deliberate judgment, justly condemned the conduct of General Jackson in some of our Indian wars. I believed and yet believe him to have trampled upon the Constitution of his country, and to have violated the principles of humanity. Entertaining these opinions, I did not and could not vote for him.

I owe you, my friends and fellow-citizens, many apologies for this long interruption of the festivities of the day. I hope that my desire to vindicate their honored object, and to satisfy you that he is not altogether unworthy of them, will be deemed sufficient.

DANGER OF THE MILITARY SPIRIT IN A REPUBLIC.

BALTIMORE, MAY 13, 1828.

[The last of four years was now *in transitu,* since Mr. Clay had committed the mortal offense of using his vote and influence for the election to the presidency of John Quincy Adams, and since he had entered on the duties of Secretary of State. The whole of this time had been occupied by General Jackson and his party in endeavoring to convince the American people that the hero of New Orleans had been deprived of his just rights in the election of Mr. Adams, by a bargain between Mr. Clay and Mr. Adams. They would not consent to lose the benefit of this charge by accepting a challenge to prove it, as they knew they must fail in it. All they would say, was: Mr. Adams was made president, and Mr. Clay was made Secretary of State; and the charge was, that they had bargained with each other for these places respectively. This charge was so managed that a majority of the people believed it, and waited only for the next presidential election to avenge the wrongs of their military chieftain. In such a contest, the military spirit took possession of the heart of the nation. It was in the midst of this campaign that the following speech was delivered, at a dinner with his friends at Baltimore, in reply to the following toasts:

1. The President of the United States.

2. A great statesman has said, "What is a public man worth, who will not suffer for his country?" We have seen a public man sacrifice much for his country, and rise resplendently triumphant over the calumnies of his enemies.]

Mr. Clay then rose, and said, Although I have been required, by the advice of my physicians, to abstain from all social entertainments, with their consequent excitements, I can not leave Baltimore, without saying a few words, by way of public acknowledgment, for the cordial congratulations with which I have been received during my present visit. I am not so vain, indeed, as to imagine that any personal considerations have

prompted the enthusiastic demonstrations by which my approach to this city, and my short sojourn, have been so highly distinguished. Their honored object, has, it is true, some claims upon the justice, if not the sympathy, of a generous, intelligent, and high-minded people. Singled out for proscription and destruction, he has sustained all the fury of the most ferocious attacks. Calumnious charges, directed against the honor of his public character, dearer than life itself, sanctioned and republished by one who should have scorned to lend himself to such a vile purpose, have been echoed by a thousand profligate or deluded tongues and presses. Supported by the consciousness of having faithfully discharged his duty, and defended by the virtue and intelligence of an enlightened people, he has stood firm and erect amid all the bellowings of the political storm. What is a public man, what is any man worth, who is not prepared to sacrifice himself, if necessary, for the good of his country?

But, continued Mr. Clay, the demonstrations which I have here witnessed, have a higher and a nobler source, than homage to an individual: they originate from that cause with which I am an humble associate—the cause of the country—the cause of the Constitution—the cause of free institutions. They would otherwise be unworthy of freemen, and less gratifying to me. I am not, I hope, so uncharitable as to accuse all the opponents of that cause with designs unfriendly to human liberty. I know that they make, many of them sincerely, other professions. They talk, indeed, of republicanism, and some of them impudently claim to be the exclusive republican party! Yes! we find men who, but yesterday, were the foremost in other ranks, upon whose revolting ears the grating sound of republicanism ever fell, and upon whose lips the exotic word still awkwardly hangs, now exclaiming, or acquiescing in the cry, that they are the republican party! I had thought if any one, more than all other principles, characterized the term republican party, it was their ardent devotion to liberty, to its safety, to all its guaranties. I had supposed, that the doctrines of that school taught us to guard against the danger of standing armies, to profit by the lessons which all history inculcates, and never to forget that liberty and the predominance of the military principle, were utterly incompatible. The republican party! In this modern, new-fangled, and heterogeneous party, Cromwell and Cæsar have recently found apologists. The judgment of centuries is reversed; long-established maxims are overturned; the Ethiopian is washed white; and the only genuine lovers of liberty were the Philips, the Cæsars, the Cromwells, the Mariuses, and the Syllas, of former ages.

It is time for slumbering patriotism to awake, when such doctrines as these are put forth from the capitol, and from popular assemblies. It is time that the real republican party (I speak not of former divisions, springing from causes no longer existing, and which are sought to be kept up by some men in particular places, only for sinister purposes)—that party, under whatever flag its members may have heretofore acted, that party

which loves freedom, for freedom's sake—justly to estimate the impending perils, and to proceed with an energy, and union, called for by the existing crisis in the republic. Regardless of all imputations, and proud of the opportunity of free and unrestrained intercourse with all my fellow-citizens, if it were physically possible, and compatible with my official duties, I would visit every State, go to every town and hamlet, address every man in the Union, and entreat them, by their love of country, by their love of liberty, for the sake of themselves and their posterity—in the name of their venerated ancestors, in the name of the human family, deeply interested in the fulfillment of the trust committed to their hands—by all the past glory which we have won—by all that awaits us as a nation—if we are true and faithful in gratitude to Him who has hitherto so signally blessed us—to pause—solemnly pause—and contemplate the precipice which yawns before us! If, indeed, we have incurred the divine displeasure, and it be necessary to chastise this people with the rod of vengeance, I would humbly prostrate myself before Him, and implore His mercy, to visit our favored land with war, with pestilence, with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for mere military renown.

Gentlemen, I wish I had strength to expatiate on this interesting subject; but I am admonished by the state of my health, to desist. I pray you to accept my thanks for the sentiment with which you have honored me, and your permission to offer one which I hope will be approved by you:

Genuine Republicans, of every faith, who, true to the cause of liberty, would guard it against all pernicious examples.

MR. J. Q. ADAMS'S ADMINISTRATION.

CINCINNATI, AUGUST 23, 1828.

[THE following speech is chiefly devoted to a vindication of the administration of Mr. J. Q. Adams, of which Mr. Clay was a member. Being on a journey from Ashland to Washington, and forced to take Cincinnati in his way, he could not avoid the attentions of the people, who thronged by thousands to see and hear him, as he passed through Cincinnati. It was now the eve of the presidential election, when Mr. Adams and General Jackson were the two opposing candidates. Besides the great staple of Bargain and Corruption, in which the Jackson party traded so furiously, Mr. Adams's administration and tariff policy were assailed—all of which, as will be seen, are noticed by Mr. Clay.]

MR. CHAIRMAN—Although it is not entirely compatible with the precautions which are enjoined by the delicate state of my health, to which you have so obligingly alluded, to present myself in this attitude, I can not refrain from making a public expression to you, and to my fellow-citizens here assembled, of my profound acknowledgments for the hearty welcome and the cordial, spontaneous, and enthusiastic manifestation of respect and attachment with which my present visit to your city has been attended. It has been frequently, but not less truly said, that the highest reward for public service, is the approbation of the public. The support of public opinion is the greatest incentive to the faithful and beneficial discharge of official duty. If, as you have truly suggested, it has been my misfortune for several years to have been abused and assailed without example, I have nevertheless had the satisfaction to have been cheered and sustained, in all parts of the Union, by some of the best and most virtuous men in it. And I seize with pleasure this occasion to say, that even among my political opponents, many of the most moderate and intelligent have done me the justice to discredit and discountenance the calumnies of which I have been the object. But nowhere have I found more constant, ardent, and effective friends, than in this city. I thank them most heartily for all their friendly sentiments and exertions.

Whatever may be the issue of the contest which at present unhappily divides and distracts our country, I trust that the beneficial system, to which you

have referred, will survive the struggle, and continue to engage the affections, and to cheer and animate the industry of the people of the United States. It has indeed been recently attacked in another quarter of the Union, by some of our fellow-citizens, with a harshness and intemperance which must everywhere excite the patriot's regret. It has been denounced as if it were a new system, that sprung into existence but yesterday, or at least with the present administration, if not during the last session of Congress. But it owes its origin to a much earlier date. The present administration, though sincerely attached to it, and most anxious for its preservation, has not the merit of having first proposed or first established it. The manufacturing system was quickened into existence by the commercial restrictions which preceded the late war with Great Britain, and by that greatest of them all, the war itself. Our wants, no longer supplied from abroad, must have been supplied at home, or we must have been deprived of the necessaries and comforts of civilization, if we had not relapsed into a state of barbarism. The policy of Jefferson and Madison fostered, if it did not create, the manufactures of our country. The peace brought with it a glut of foreign fabrics, which would have prostrated our establishments, if government had been capable of unjustly witnessing such a spectacle, without interposing its protective power. Protection, therefore, was not merely called for by the substantial independence of our country, but it was a parental duty of government to those citizens who had been tempted by its restrictive policy to embark all their hopes and fortunes in the business of manufacturing. Twelve years ago Congress took up the subject, and after long and mature deliberation, solemnly decided to extend that measure of protection which was alike demanded by sound policy and strict justice. Then the foundations were laid of the American system; and all that has been subsequently done, including the act of the last session of Congress, are but the consequences of the policy then deliberately adopted, having for their object the improvement and perfection of the great work then begun. It is not the least remarkable of the circumstances of these strange times, that some who assisted in the commencement, who laid corner-stones of the edifice, are now ready to pull down and demolish it.

It is not the fact of the existence of an opposition to the tariff that can occasion any inquietude; nor that of large and respectable assemblies of the people, to express their disapprobation of the policy, and their firm resolution to consume only the produce of their own industry. These meetings are in the true spirit of our free institutions, and that resolution is in the true spirit of the American system itself. But what must excite deep regret is, that any persons should allow themselves to speak of open and forcible resistance to the government of their country, and to threaten a dissolution of the Union. What is the state of the case? A great measure of national policy is proposed; it is a subject of discussion for a period of twelve years, in the public prints, in popular assemblies, in polit-

ical circles, and in the Congress of the United States That body, after hearing the wishes and wants of all parts of the Union, fairly stated by their respective representatives, decides by repeated majorities, to adopt the measure. It is accordingly put into successful operation, improved from time to time, and is rapidly fulfilling all the hopes and expectations of its friends. In this encouraging condition of things, a small number of the citizens composing the minority (for I will not impute to the great body of the minority any such violent purposes), threaten the employment of force, and the dissolution of the Union! Can any principle be more subversive of all government, or of a tendency more exceptionable and alarming. It amounts to this, that whenever any portion of the community finds itself in a minority, in reference to any important act of the government, and by high coloring and pictures of imaginary distress, can persuade itself that the measure is oppressive, that minority may appeal to arms, and if it can, dissolve the Union. Such a principle would reverse the established maxim of representative goverument, according to which, the will of the majority must prevail. If it were possible that the minority could govern and control, the Union may be indeed as well be dissolved; for it would not then be worth preserving. The conduct of an individual would not be more unwise and suicidal, who, because of some trifling disease afflicting his person should, in a feverish and fretful moment, resolve to terminate his existence.

Nothing can be more unfair and ridiculous than to compare any of the acts of the Congress of the United States, representing all, and acting for all, to any of the acts of the British Parliament which led to our Revolution. The principle on which the colonies seceded was, that there should be no taxation without representation. They were not represented in the British Parliament, and to have submitted to taxation would have been to have submitted to slavery, and to have surrendered the most valuable privileges of freemen. If the colonies had been fairly represented in the British Parliament, and equal taxes, alike applicable to all parts of the British empire, had been impossd by a majority, a case of remote analogy to any act of Congress to which a minority is opposed might be deduced from the history of the Revolution. But every State of this confederacy is fairly represented, and has the faculty of being fully heard in the Congress of the United States. The representation has been regulated by a joint principle of distribution, the result of a wise spirit of mutual compromise and concession, which I hope never to see disturbed, of which none can justly complain, and least of all those citizens who have resorted to threats of an appeal to arms and disunion.

But there is, I hope and believe, no reason to apprehend the execution of those empty threats. The good sense, the patriotism, and the high character of the people of South Carolina, are sure guaranties for repressing, without aid, any disorders, should any be attempted within her limits. The spirit of Marion, and Pickens, and Sumpter, of the Rutledges, the

Pinckneys, and of Lowndes, yet survives, and animates the high-minded Carolinians. The Taylors, and the Williamses, and their compatriots of the present day, will be able to render a just account of all, if there be any who shall dare to raise their parricidal hands against the peace, the Constitution, and the union of the States. Rebuked by public opinion—a sufficient corrective—and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any.

I have no fears for the permanency of our Union, while our liberties are preserved. It is a tough and strong cord, as all will find who shall presumptuously attempt to break it. It has been competent to suppress all the domestic insurrections, and to carry us safely through all the foreign wars with which we have been afflicted since it was formed, and it has come out of each with more strength, and greater promise of durability. It is the choicest political blessing which, as a people, we enjoy, and I trust and hope that Providence will permit us to transmit it, unimpaired, to posterity, through endless generations.

I thank you, Mr. Chairman, for the flattering opinion which you have expressed of my public services, and especially of those which I have endeavored to render to the West. While I am sensible that you appreciate them much too highly, it is at the same time true, that I have sought, on all occasions that appeared to me proper, to advance the interests of that section, of which I am proud to be a citizen, whenever I have thought it could be done without prejudice to the predominant interests of the whole. I have, nevertheless, in several important instances, given my most zealous support to measures (the navy, and the late war, for example) in which the West could not be regarded as having any distinct or other interest, than that which belongs to the honor, the prosperity, and the character, of the whole confederacy. During the short period of the present administration, I hope I may be permitted to say, without meaning to claim for it exclusive merit, that more has been done and recommended for the West, than ever was done during the whole preceding period of our present Constitution, with the exception only of the acquisition of Louisiana, under the administration of Mr. Jefferson. I have not strength or time to enter into details to establish the general proposition; but those who will take the trouble to examine the appropriations of land and of money, for objects of internal improvement and education, the measures which have been adopted or recommended, in respect to the public domain, the judiciary, and so forth, will find that proposition fully sustained.

There are here many who, by a too flattering estimate of my capacity, decided me worthy of the office of chief magistrate, and, during the last presidential canvass, honored me with their support. To them I take this occasion to say, that, if instead of the present abused chief magistrate, they had obtained the preference, the measures of the administration would not have been, in any essential particular, different from those which have been

adopted. All the principal acts and measures of the existing administration, have met with my hearty and humble concurrence.

Cultivating a farm in Kentucky, and having other objects of private concern, I have found it necessary, both on that account, and the relaxation from official business, indispensable to the preservation of health, annually to visit this quarter of the Union during the period of my connection with the executive of the United States. In these visits, I have frequently met large portions of my fellow-citizens, upon their friendly and pressing invitations. My object has been called in question, and my motive assailed. It has been said, that my purpose was electioneering. If it be intended to charge me with employing improper or dishonorable acts, to secure my election, I deny the charge, and disclaim the purpose. I defy my most malignant enemies to show that I ever, during any period of my life, resorted to such acts to promote my own election, or that of any other person. I have availed myself of these assemblies, and of other opportunities, to defend myself against an accusation, publicly made, and a thousand times repeated. I had a right to do this by the immutable laws of self-defense. My addresses to the public, heretofore, have been generally strictly defensive. If they have ever given pain to any of my adversaries, they must reproach themselves with its infliction. There is one way, and but one way, in which they can silence me. My traducers have attributed to me great facility in making a bargain. Whether I possess it or not, there is one bargain which, for their accommodation, I am willing to enter into with them. If they will prevail upon their chief to acknowledge that he has been in error, and has done me injustice, and if they will cease to traduce and abuse me, I will no longer present myself before public assemblies, or in public prints, in my own defense. That is one bargain which I have no expectation of being able to conclude; for men who are in a long-established line of business, will not voluntarily quit their accustomed trade, and acknowledge themselves bankrupts to honor, decency, and truth.

Some who have persuaded themselves that they saw in my occasional addresses to the people, incompatibility with the dignity and reserve belonging to the office I hold, I know not according to what standard, (it can hardly be any deduced from a popular representative government), these gentlemen have regulated their opinions. True dignity appears to me to be independent of office or station. It belongs to every condition; but if there be a difference between private and public life, the more exalted the station, the greater is the obligation of the public functionary, in my humble judgment, to render himself amiable, affable, and accessible. The public officer who displays a natural solicitude to defend himself against a charge deeply affecting his honor and his character, manifests, at the same time, a just respect for the community. It is, I think, an erroneous judgment of the nature of office, and its relations, to suppose that it imposes the duty on the officer, of abstracting himself from society, and a stiff and

stately port. Without, I hope, forgetting what was due to myself, my habit, throughout life, has been that of friendly, free, and frank intercourse with my fellow-citizens. I have not thought it necessary to change my personal identity in any of the various offices through which I have passed, or to assume a new character. It may not be easy to draw the line, as to the occasions in which a man should remain silent, or defend himself. In the general, it is better perhaps, that he should leave his public acts, and the measures which he espouses or carries, to their own vindication; but if his integrity be questioned, and dishonorable charges, under high and imposing names, be preferred against him, he can not remain silent without a culpable insensibility to all that is valuable in human life.

Sir, I feel that I have trespassed too much, both upon you and myself. If prudence were a virtue of which I could boast, I should have spared both you and me. But I could not deny myself the gratification of expressing my thanks to my Cincinnati friends for the numerous instances which I have experienced of their kind and respectful consideration. I beg you, and every gentleman here attending, to accept my acknowledgments; and I especially owe them to the gentlemen of the committee, who did me the honor to meet me at Louisville, and accompany me to this city. Whatever may be my future destiny, while my faculties are preserved, I shall cherish a proud and grateful recollection of these testimonies of respect and attachment.

ON RETIRING FROM OFFICE.

WASHINGTON, MARCH 7, 1829.

[When Mr. Clay left the State Department for home, in the spring of 1829, he met his friends at a dinner, when the following toast was given:

"Health, prosperity, and happiness to our highly-valued and esteemed guest and fellow-citizen, Henry Clay. Whatever the future destination of his life, he has done enough for honor, and need desire no higher reward than the deep-seated affection and respect of his friends and his country."

To which Mr. Clay responded as follows. His allusion to General Jackson, and the dilemma in which he places him, will be read with deep interest.]

In rising, Mr. President, to offer my respectful acknowledgments for the honors of which I am here the object, I must ask the indulgence of yourself and the other gentlemen now assembled, for an unaffected embarrassment, which is more sensibly felt than it can be distinctly expressed. This city has been the theater of the greater portion of my public life. You, and others whom I now see, have been spectators of my public course and conduct. You and they are, if I may borrow a technical expression from an honorable profession of which you and I are both members, jurors of the vicinage. To a judgment rendered by those who have thus long known me, and by others though not of the panel, who have possessed equal opportunities of forming correct opinions, I most cheerfully submit. If the weight of human testimony should be estimated by the intelligence and repectability of the witness, and the extent of his knowledge of the matter on which he testifies, the highest consideration is due to that which has been this day spontaneously given. I shall ever cherish it with the most grateful recollection, and look back upon it with proud satisfaction.

I should be glad to feel that I could with any propriety abstain from any allusion at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace this first public opportunity which I have had of

saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half a million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

I deprecated the election of the present President of the United States, because I believed he had neither the temper, the experience, nor the attainments requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believed, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day, was to befall this infant republic. All past history has impressed on my mind this solemn apprehension. Nor is it effaced or weakened by cotemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; Colonel Pinto, of Chili; General Lamar of Peru; and General Bolivar, of Colombia. Central America, rent in pieces, and bleeding at every pore, from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their Constitution, has terminated with a majority of the States in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded; the election was annulled, and a reform effected by proclaiming General Guerrero, having only a minority of the States, duly elected president. The thunders from the surrounding forts, and the acclamations of the assembled multitude, on the 4th, told us what general was at the head of our affairs. It is true, and in this respect we are happier than some of the American States, that his election has not been brought about by military violence. The forms of the Constitution have yet remained inviolate.

In re-asserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens, here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guaranty of my full recognition of their corresponding privilege.

A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehend from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestable right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumphs.

That citizen has done me much injustice—wanton, unprovoked, and unatoned injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting personal ambition. When, during the late canvass, he came forward in the public prints under his proper name, with his charge against me, and summoned before the public tribunal his friend and his only witness to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call and testified to what he knew. He could say nothing, and he said nothing, which cast the slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me. Then all just and impartial men, all who had faith in the magnanimity of my accuser, believed that he would voluntarily make a public acknowledgment of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen by a recent event are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity or occasion its adversity. Patriotism enjoins as a duty, that while he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor. Suppressing, as far as I can, a sense of my personal wrong; willing even to forgive him, if his own conscience and our common God can acquit him; and entertaining for the majority which has elected him, and for the office which he fills, all the deference which is due from a private citizen; I most anxiously hope, that under his guidance the great interests of our country, foreign and domestic, may be upheld, our free institutions be unimpaired, and the happiness of the nation be continued and increased.

While I am prompted by an ardent devotion to the welfare of my country, sincerely to express this hope, I make no pledges, no promises, no threats, and I must add, I have no confidence. My public life, I trust, furnishes the best guaranty for my faithful adherence to those great principles of external and internal policy, to which it has been hitherto zealously dedi-

cated. Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in private or public station, my friends, here and everywhere, may rest assured that, in either condition, I shall stand erect, with a spirit unconquered, while life endures, ready to second their exertions in the cause of liberty, the Union, and the national prosperity.

Before I sit down, I avail myself with pleasure of this opportunity to make my grateful acknowledgments, for the courtesies and friendly attentions which I have uniformly experienced from the inhabitants of this city. A free and social intercourse with them, during a period of more than twenty years, is about to terminate, without any recollection on my part of a single painful collision, and without leaving behind me, as far as I know, a solitary personal enemy. If, in the sentiment with which I am about to conclude, I do not give a particular expression to the feelings inspired by the interchange of civilities and friendly offices, I hope the citizens of Washington will be assured that their individual happiness and the growth and prosperity of this city will ever be objects of my fervent wishes. In the sentiment which I shall presently offer, they are indeed comprehended. For the welfare of this city is indissolubly associated with that of our Union, and the preservation of our liberty. I request permission to propose,

LET US NEVER DESPAIR OF THE AMERICAN REPUBLIC.

BEGINNING OF JACKSON'S ADMINISTRATION.

LEXINGTON, MAY 16, 1829.

[The following speech will be read with interest on several accounts. It finds Mr. Clay in private life, after the labors of four years in the State Department, and after four years of a relentless persecution, in which he was chased, as a pack of hounds, with open mouth, chase their game in the forest—with this difference, that Mr. Clay was not run down. But the barking never ceased—never relaxed—but was more noisy and earnest to the last. Why Mr. Adams should not have had an equal share as an object of this hot pursuit, having been equal in the offense, as charged, was probably because he was less formidable as a rival of General Jackson. In killing Mr. Clay, for the reasons assigned, they of course disposed of Mr. Adams. All the hostile batteries of this four years' contest were pointed directly at Mr. Clay. The battle over, and General Jackson president, Mr. Clay finds himself in private life, with no views or aspirations for the future, if we may judge from what he said on this occasion. For the present, he declines all the wishes of his former constituents, to return to Congress, or to go into the State Legislature, where, at this time, he was especially needed. But his health was seriously impaired, and he needed repose. His private affairs, too, required his attention.

But his old constituents wanted to hear him speak on public affairs, and they gave him a public dinner at Fowler's Garden, where an immense concourse assembled to meet him, on the 16th of May, a little over two months after General Jackson's inauguration. Many of his political opponents were there, who meekly received what he had to say of their military chieftain, who had not been two months in power without using it as no other chief magistrate had ever done, and which Mr. Clay was forced to notice with severe animadversion. General Jackson had commenced a system of removal from office and of appointments on a large scale, to give the places made vacant to

those who had served him personally. It was a bold innovation in the history of the government, which Mr. Clay thought would be of pernicious consequence; and so it has proved; for the practice, since that time, has been, for every new administration of different politics from the preceding one, to clear out the incumbents of office, who have served their apprenticeship, and become qualified to serve the country, and instal in their places men who, in their turn, after having learned to do their work, are also superseded on the incoming of a new administration. Even foreign ministers are changed, at great expense to the country, by means of allowances made for new outfits and the duplication of salaries. In this way, the expenses of the foreign ministers of the country are nearly or quite doubled over and above the intention of law, and the government is represented abroad by men sometimes almost totally unfit for their stations, till our foreign diplomatic agents have sunk to the lowest grade of respectability, and become the subjects of contempt among the skilled diplomatists of other nations. In this manner, both the home and foreign service of our government has become the poorest in the world—all from this innovation of General Jackson, which forms so considerable a topic of the following speech.

The Ostend Manifesto is a notable and disgraceful instance of American diplomacy—which, indeed, is no diplomacy at all, but a violation of all rules of the art. The high art of diplomacy is to conceal, not to divulge, the policy of the nation represented; whereas this Ostend Manifesto is entirely without the pale of diplomacy, being a gratuitous and shameful exposure of a policy which should never have been named, even if it had been entertained. Foreign ministers, departing in this manner from the specific instructions given them to the governments whither they were sent, and exposing the policy of their country to a universal reprobation of all the world, should have been instantly recalled, and suitably rebuked for going outside of their instructions, and publishing to the world what will forever be the shame of the American nation. To such a humiliating depth of infamy have our foreign diplomatists brought us—all for being ignorant of the art of diplomacy. We could better afford a bad home service, by this frequent turning out of men who have just learned to fill their places, and the putting in of persons totally unqualified for their duties. But for a nation to be subject to both these evils, to such an alarming extent, is a

cost which no nation can long endure—certainly ought not to be doomed to, when it can be better served, both at home and abroad. The introduction of this pernicious system is well exposed by Mr. Clay, in reply to the following toast, given to his honor on this occasion:

"Our distinguished guest, friend, and neighbor, HENRY CLAY: with increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility. May health and happiness attend him in retirement, and a grateful nation do justice to his virtues"]

I FEAR, friends and fellow-citizens, that if I could find language to express the feelings which now animate me, I could not be heard throughout this vast assembly. My voice, once strong and powerful, has had its vigor impaired by delicate health and advancing age. You must have been separated, as I have been, for four years past, from some of your best and dearest friends, with whom during the greater part of your lives, you had associated in the most intimate friendly intercourse; you must have been traduced, as I have been, after exerting with zeal and fidelity the utmost of your powers to promote the welfare of our country; and you must have returned among those warm-hearted friends, and been greeted and welcomed and honored by them, as I have recently been, before you could estimate the degree of sensibility which I now feel, or conceive how utterly inadequate all human language is to portray the grateful emotions of my heart. I behold gathered here, as I have seen in other instances since my return among you, sires far advanced in years, endeared to me by interchange of friendly office and sympathetic feeling beginning more than thirty years ago. Their sons, grown up during my absence in the public councils, accompanying them; and all, prompted by ardent attachment, affectionately surrounding and saluting me, as if I belonged to their own household. Considering the multitude here assembled, their standing and respectability, and the distance which many have come personally to see me, and to testify their respect and confidence, I consider this day and this occasion as the proudest of my life. The tribute, thus rendered by my friends, neighbors, and fellow-citizens, flows spontaneously from their hearts, as it penetrates the inmost recesses of mine. Tendered in no servile spirit, it does not aim to propitiate one in authority. Power could not buy or coerce it. The offspring of enlightened and independent freemen, it is addressed to a beloved fellow-citizen in private life, without office, and who can present nothing in return but his hearty thanks. I pray all of you, gentlemen, to accept these. They are due to every one of you for the sentiment just pronounced, and for the proceedings of this day. And I owe a particular expression of them to that portion of my friends, who, although I had the misfortune to differ from them in the late contest, have

honored me by their attendance here. I have no reproaches tc make them. Regrets I have; but I give, as I have received from them, the hand of friendship as cordially as it is extended to any of my friends. It is highly gratifying to me to know, that they, and thousands of others who co-operated with them in producing the late political change, were unaffected toward me by the prejudice attempted to be excited against me. I entertain too high respect for the inestimable privilege of freely exercising one's independent judgment on public affairs, to draw in question the right of any of my fellow-citizens to form and to act upon their opinions in opposition to mine. The best and wisest among us are, at best, but weak and fallible human beings. And no man ought to set up his own judgment as an unerring standard, by which the correctness of all others is to be tested and tried.

It can not be doubted that, with individual exceptions, the great body of every political party that has hitherto appeared in this country, has been honest in its intentions, and patriotic in its aims. Whole parties may have been sometimes deceived and deluded, but without being conscious of it; they no doubt sought to advance the welfare of the country. Where such a contest has existed as that which we have recently witnessed, there will be prejudices on the one side, and predilections on the other. If, during its progress, we can not calm the passions, and permit truth and reason to have their undisturbed sway, we ought, at least, after it has terminated, to own their empire. Judging of public men and public measures in a spirit of candor, we should strive to eradicate every bias, and to banish from our minds every consideration not connected with the good of our country.

I do not pretend to be, more than other men, exempt from the influence of prejudice and predilection. But I declare most sincerely, that I have sought, in reference to the present administration, and shall continue to strive, to discard all prejudices, and to judge its acts and measures as they appear to me to affect the interests of our country.

A large portion of my friends and fellow-citizens, from whom I differed on the late occasion, did not disagree with me as to the foreign or domestic policy of government. We only differed in the selection of agents to carry that policy into effect. Experience can alone determine who was right. If that policy continues to be pursued under the new administration, it shall have as cordial support from me, as if its care had been confided to agents of my choice. If, on the contrary, it shall be neglected or abandoned, the friends to whom I now refer will be bound by all the obligations of patriotism and consistency to adhere to the policy.

We take a new commencement from the 4th of March last. After that day, those who supported the election of the present chief magistrate were left as free to judge of the conduct of its administration, as those who opposed. It will be no more inconsistent in them, if it disappoint their expectations, to disapprove his administration, than it will be to sup-

port it, if, disappointing ours, he should preserve the established policy of the nation, and introduce no new principles of alarming tendency.

They bestowed their suffrages upon the supposition that the government would be well administered; that public pledges would be redeemed, solemn professions be fulfilled, and the rights and liberties of the people be protected and maintained. If they shall find themselves deceived in any of these respects; should principles avowed during the canvass be violated during the presidency, and new principles of dangerous import, neither avowed to nor anticipated by them, be put forth, they will have been betrayed; the distinguished individual for whom they voted will have failed to preserve his identity, and they will be urged by the most sacred of duties to apply the proper corrective.

Government is a trust, and the officers of government are trustees; and both the trust and the trustees are created for the benefit of the people. Official incumbents are bound, therefore, to administer the trust, not for their own private or individual benefits, but so as to promote the prosperity of the people. This is the vital principle of a republic. If a different principle prevail, and a government be so administered as to gratify the passions or to promote the interests of a particular individual, the forms of free institutions may remain, but that government is essentially a monarchy. The great difference between the two forms of government is, that in a republic all power and authority, and all public offices and honors, emanate from the people, and are exercised and held for their benefit. In a monarchy, all power and authority, all offices and honors, proceed from the monarch. His interests, his caprices, and his passions, influence and control the destinies of the kingdom. In a republic, the people are every thing, and a particular individual nothing. In a monarchy, the monarch is every thing, and the people nothing. And the true character of the government is stamped, not by the forms of the appointment to office alone, but by its practical operation. If in one, nominally free, the chief magistrate, as soon as he is clothed with power, proceeds to exercise it, so as to minister to his passions, and to gratify his favorites, and systematically distributes his rewards and punishments, in the application of the power of patronage, with which he is invested for the good of the whole, upon the principle of devotion and attachment to him, and not according to the ability and fidelity with which the people are or may be served, that chief magistrate, for the time being, and within the scope of his discretionary powers, is in fact, if not in form, a monarch.

It was objected to the late administration, that it adopted and enforced a system of proscription. During the whole period of it, not a solitary officer of the government, from Maine to Louisiana, within my knowledge, was dismissed on account of his political opinions. It was well known to the late president, that many officers, who held their places subject to the power of dismission, were opposed to his re-election, and were actively employed in behalf of his competitor. Yet not one was discharged from that

cause. In the commencement and early part of his administration, appointments were promiscuously made from all the parties in the previous canvass. And this course was pursued until an opposition was organized, which denounced all appointments from its ranks as being made for impure purposes.

I am aware that it may be urged, that a change was made in some of the publishers of the laws. There are about eighty annually designated. Of these, during the four years of the late administration, about twelve or fifteeen were changed. Some of the changes were made from geographical or other local considerations. In several instances one friend was substituted for another. In others, one opponent for another.

Several papers, among the most influential in the opposition, but otherwise conducted with decorum, were retained. Of the entire number of changes, not more than four or five were made because of the scurrilous character of their papers, and not on account of the political sentiments of the editors. It was deemed injurious to the respect and moral influence, which the laws should always command, that they should be promulgated in the columns of a public paper, parallel with which were other columns, in the same paper, of the grossest abuse of the government and its functionaries.

On this subject I can speak with certainty, and I embrace with pleasure this opportunity for explanation. The duty of designating the printers of the laws appertains to the office which I lately filled. The selection is usually made at the commencement of every session of Congress. It was made by me, without any particular consultation with the president, or any member of his cabinet. In making it, I felt under no greater obligation to select the publisher of the laws of the previous year, than an individual feels himself bound to insert a succeeding advertisement in the same paper which published his last. The law does not require it, but leaves the Secretary of State at liberty to make the selection according to his sense of propriety. A publisher of the laws is not an officer of the government. It has been judicially so decided. He holds no commission. The accuracy of the statement, therefore, that no officer of the government was dismissed by the late administration, in consequence of his political opinions, is not impaired by the few changes of publishers of the laws which were made.

But if they had been officers of government, who could have imagined that those who objected to the removal, would so soon have themselves put in practice a general and sweeping system of exclusion.

The president is invested with the tremendous power of dismission, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the public from suffering through faithless or incompetent officers. It was made summary because, if the slow progress of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to, the decision of the case. But it never was in the contemplation of Congress, that the

power would or could be applied to the removal of competent, diligent, and faithful officers. Such an application of it is an act of arbitrary power, and a great abuse.

I regret extremely that I feel constrained to notice the innovation upon the principles and practice of our institutions now in progress. I had most anxiously hoped, that I could heartily approve the acts and measures of the new administration. And I yet hope that it will pause, and hereafter pursue a course more in unison with the spirit of a free government. I entreat my friends and fellow-citizens, here and elsewhere, to be persuaded that I now perform a painful duty; and that it is far from my wish to say one word that can inflict any wound upon the feelings of any of them. I think, indeed, that it is the duty of all of them to exercise their judgments freely and independently on what is passing; and that none ought to feel themselves restrained, by false pride, or by any part which they took in the late election, from condemning what their hearts can not approve.

Knowing the imputations to which I expose myself, I would remain silent if I did not solemnly believe that there was serious cause of alarm in the principle of removal, which has been recently acted on. Hitherto, the uniform practice of the government has been, where charges are preferred against public officers, foreign or domestic, to transmit to them a copy of the charges, for the purpose of refutation or explanation. This has been considered an equitable substitute to the more tedious and formal trials before judicial tribunals. But now, persons are dismissed, not only without trial of any sort, but without charge. And, as if the intention were to defy public opinion, and to give to the acts of power a higher degree of enormity, in some instances the persons dismissed have carried with them, in their pockets, the strongest testimonials to their ability and integrity, furnished by the very instruments employed to execute the purposes of oppression. If the new administration had found these discharged officers wanting in a zealous co-operation to execute the laws, in consequence of their preference at the preceding election, there would have been ground for their removal. But this has not been pretended; and to show that it formed no consideration, they have been dismissed among its first acts, without affording them an opportunity of manifesting that their sense of public duty was unaffected by the choice which they had at the preceding election.

I will not dwell on the injustice and individual distress which are the necessary consequences of these acts of authority. Men who accepted public employments entered on them with the implied understanding, that they would be retained as long as they continued to discharge their duties to the public honestly, ably, and assiduously. All their private arrangements are made accordingly. To be dismissed without fault, and without trial; to be expelled, with their families, without the means of support, and in some instances disqualified by age or by official habits from the pursuit of any other business, and all this to be done upon the will of one man, in a free government, was surely intolerable oppression.

Our institutions proclaim, reason enjoins, and conscience requires, that every freeman shall exercise the elective franchise freely, and independently; and that among the candidates for his suffrage, he shall fearlessly bestow it upon him who will best advance the interests of his country. The presumption is, that this is always done, unless the contrary appears. But if the consequence of such a performance of patriotic duty is to be punishment; if an honest and sincere preference of A. to J. is to be treated as a crime, then our dearest privilege is a mockery, and our institutions are snares.

During the reign of Bonaparte, upon one of those occasions in which he affected to take the sense of the French people as to his being made consul for life, or emperor, an order was sent to the French armies to collect their suffrages. They were told in a public proclamation, that they were authorized and requested to vote freely, according to the dictates of their best judgments, and their honest convictions. But a mandate was privately circulated among them, importing that if any soldier voted against Bonaparte, he should be instantly shot.

Is there any other difference, except in the mode of punishment, between that case and the arbitrary removal of men from their public stations, for no other reason, than that of an honest and conscientious preference of one presidential candidate to another? And can it be doubted, that the spirit which prompts these removals is restrained from being extended to all, in private life, who manifested a similar preference, only by barriers which it dare not yet break down? But should public opinion sanction them, how long will these barriers remain?

One of the worst consequences of the introduction of this tenure of public office will be, should it be permanently adopted, to substitute for a system of responsibility, founded upon the ability and integrity with which public officers discharge their duties to the community, a system of universal rapacity. Incumbents, feeling the instability of their situations, and knowing their liability to periodical removals, at short terms, without any regard to the manner in which they have executed their trusts, will be disposed to make the most of their uncertain offices while they hold them. And hence we may expect innumerable cases of fraud, peculation, and corruption.

President Jackson commenced his official career on the 4th of March last, with every motive which should operate on the human heart to urge him to forget the prejudices and passions which had been exhibited in the previous contest, and to practice dignified moderation and forbearance. He had been the choice of a considerable majority of the people, and was elected by a large majority of the electoral votes. He had been elected mainly from the all-powerful influence of gratitude for his brilliant military services, in spite of doubts and fears entertained by many who contributed to his elevation. He was far advanced in years, and if fame speak true, was suffering under the joint infirmities of age and disease. He had re-

cently been visited by one of the severest afflictions of Providence, in the privation of the partner of his bosom, whom he is represented to have tenderly loved, and who warmly returned all his affection. He had no child on whom to cast his honors. Under such circumstances, was ever man more imperiously called upon to stifle all the vindictive passions of his nature, to quell every rebellious feeling of his heart, and to dedicate the short residue of his life to the God who had so long blessed and spared him, and to the country which had so greatly honored him?

I sincerely hope that he will yet do this. I hope so for the sake of human nature, and for the sake of his own reputation. Whether he has, during the two months of his administration, so conducted himself, let facts tell and history pronounce. Truth is mighty and will prevail.

It was objected to Mr. Adams, that by appointing several members of Congress to public places, he endangered the purity of the body, and established a precedent fraught with the most dangerous consequences. And president Jackson (no, he begged his pardon, it was candidate Jackson), was so much alarmed by these appointments, for the integrity and permanency of our institutions, that in a solemn communication which he made to the Legislature of Tennessee, he declared his firm conviction to be, that no member of Congress ought to be appointed to any office except a seat upon the bench. And he added, that he himself would conform to that rule.

During the four years of Mr. Adams's administration, the whole number of appointments made by him from Congress, did not exceed four or five. In the first four weeks of that of his successor, more than double that number have been appointed by him. In the first two months of president Jackson's administration, he has appointed more members of Congress to public office, than I believe were appointed by any one of his predecessors during their whole period of four or eight years. And it appears, that no office is too high or too low to be bestowed by him on this favored class, from that of a head of a Department, down to an inconsiderable collectorship, or even a subordinate office under a collector. If I have not been misinformed, a representative from the greatest commercial metropolis in the United States, has recently been appointed to some inferior station, by the collector of the port of New York.

Without meaning to assert as a general principle, that in no case would it be proper that a resort should be had to the halls of Congress, to draw from them tried talents, and experienced public servants, to aid in the executive or judicial departments, all must agree, that such a resort should not be too often made, and that there should be some limit both as to the number and the nature of the appointments. And I do sincerely think, that this limit has, in both particulars, been transcended beyond all safe bounds, and so as to excite serious apprehensions.

It is not, however, my opinion, but that of president Jackson, which the public has now to consider. Having declared to the American people

through the Tennessee Legislature, the danger of the practice; having deliberately committed himself to act in consonance with that declared opinion, how can he now be justified in violating this solemn pledge, and in entailing upon his country a perilous precedent, fraught with the corrupting tendency which he described?

It is vain to say, that the Constitution, as it now stands, does not forbid these appointments. It does not enjoin them. If there be an inherent defect in the theoretical character of that instrument, president Jackson was bound to have redeemed his pledge, and employed the whole influence and weight of his name to remedy the defect in its practical operation. The Constitution admitted of the service of one man in the presidential office, during his life, if he could secure successive elections. That great reformer, as president Jackson describes him, whom he professes to imitate, did not wait for an amendment of the Constitution, to correct that defect; but after the example of the father of his country, by declining to serve longer than two terms, established a practical principle which is not likely to be violated.

There was another class of citizens upon whom public offices had been showered in the greatest profusion. I do not know the number of editors of newspapers that have been recently appointed, but I have noticed in the public prints, some fifteen or twenty. And they were generally of those whose papers had manifested the greatest activity in the late canvass, the most vulgar abuse of opponents, and the most fulsome praise of their favorite candidate. Editors are as much entitled to be appointed as any other class of the community; but if the number and the quality of those promoted, be such as to render palpable the motive of their appointment; if they are preferred, not on account of their fair pretensions, and their ability and capacity to serve the public, but because of their devotion to a particular individual, I ask if the necessary consequence must not be to render the press venal, and in time to destroy this hitherto justly cherished palladium of our liberty.

If the principle of all these appointments, this monopoly of public trusts by members of Congress and particular editors, be exceptionable (and I would not have alluded to them but from my deliberate conviction that they are essentially vicious), their effects are truly alarming. I will not impute to president Jackson any design to subvert our liberties. I hope and believe, that he does not now entertain any such design. But I must say, that if an ambitious president sought the overthrow of our government, and ultimately to establish a different form, he would, at the commencement of his administration, proclaim by his official acts, that the greatest public virtue was ardent devotion to him. That no matter what had been the character, the services, or the sacrifices of incumbents or applicants for office, what their experience or ability to serve the republic, if they did not bow down and worship him, they possessed no claim to his patronage. Such an ambitious president would say, as monarchs have said, "I am the

State." He would dismiss all from public employment who did not belong to the true faith. He would stamp upon the whole official corps of government one homogeneous character, and infuse into it one uniform principle of action. He would scatter, with an open and liberal hand, offices among the members of Congress, giving the best to those who had spoken, and written, and franked, most in his behalf. He would subsidize the press. It would be his earnest and constant aim to secure the two greatest engines of operation upon public opinion—Congress and the press. He would promulgate a new penal code, the rewards and punishments of which, would be distributed and regulated exclusively by devotion or opposition to him. And when all this powerful machinery was put in operation, if he did not succeed in subverting the liberties of his country, and in establishing himself upon a throne, it would be because some new means or principle of resistance had been discovered, which was unknown in other times or to other republics.

But if an administration, conducted in the manner just proposed, did not aim at the destruction of public liberty, it would engender evils of a magnitude so great as gradually to alienate the affections of the people from their government, and finally lead to its overthrow. According to the principle now avowed and practiced, all offices, vacant and filled, within the compass of the Executive power, are to be allotted among the partisans of the successful candidate. The people and the service of the State are to be put aside, and every thing is to be decided by the zeal, activity, and attachment, in the cause of a particular candidate, which were manifested during the preceding canvass. The consequence of these principles would be to convert the nation into one perpetual theater for political gladiators. There would be one universal scramble for the public offices. The termination of one presidential contest would be only the signal for the commencement of another. And on the conclusion of each we should behold the victor distributing the prizes and applying his punishments, like a military commander, immediately after he had won a great victory. Congress corrupted, and the press corrupted, general corruption would ensue, until the substance of free government having disappeared, some pretorian band would arise, and with the general concurrence of a distracted people, put an end to useless forms.

I am aware that the late acts of administration on which it has been my disagreeable duty to animadvert (I hope without giving pain to any of my fellow-citizens, as I most sincerely wish to give none), were sustained upon some vague notion or purpose of reform. And it was remarkable that among the loudest trumpeters of reform were some who had lately received appointments to lucrative offices. Now it must be admitted that, as to them, a most substantial and valuable reform had taken place; but I trust that something more extensively beneficial to the people at large was intended by that sweet-sounding word. I know that, at the commencement, and throughout nearly the whole progress of the late administration,

a reform in the Constitution was talked of, so as to exclude from public office members of Congress, during the periods for which they are elected, and a limited term beyond them. The proposition appeared to be received with much favor, was discussed in the House of Representatives, session after session, at great length, and with unusual eloquence and ability. A majority of that body seemed disposed to accede to it, and I thought for some time that there was high probability of its passage, at least, through that House. Its great champion (General Smyth, of Virginia), pressed it with resolute perseverance. But unfortunately, at the last session, after the decision of the presidential question, it was manifest that the kindness with which it had been originally received had greatly abated. Its determined patron found it extremely difficult to engage the House to consider it. When, at length, he prevailed by his frequent and earnest appeals to get it taken up, new views appeared to have suddenly struck the reformists. It was no longer an amendment in their eyes, so indispensable to the purity of our Constitution; and the majority which had appeared to be so resolved to carry it, now, by a direct or indirect vote, gave it the go-by. That majority, I believe, was composed in part of members who, after the 4th of March last, gave the best practical recantation of their opinions, by accepting from the new president lucrative appointments, in direct opposition to the principle of their own amendment. And now General Smyth would find it even more impracticable to make among them proselytes to his conservative alteration in the Constitution, than he did to gain any to his exposition of the Apocalypse.

Reform, such as alone could interest a whole people, can only take place in the Constitution, or laws, or policy of the government. Now and then, under every administration, and at all times, a faithless or incompetent officer may be discovered who ought to be displaced. And that in all the departments of the government. But I presume that the correction of such occasional abuses could hardly be expected to fulfill the promise of reform which had been so solemnly made. I would then ask, what was the reform intended? What part of the Constitution was to be altered? What law repealed? What branch of the settled policy of the country was to be changed? The people have a right to know what great blessing was intended by their rulers for them, and to demand some tangible practical good, in lieu of a general, vague, and undefined assurance of reform.

I know that the recent removals from office are attempted to be justified by a precedent drawn from Mr. Jefferson's administration. But there was not the most distant analogy between the two cases. Several years prior to his election, the public offices of the country had been almost exclusively bestowed upon the party to which that at the head of which he stood was opposed. When he commenced his administration he found a complete monopoly of them in the hands of the adverse party. He dismissed a few incumbents for the purpose of introducing in their places others of his own party, and thus doing equal justice to both sects. But

the number of removals was far short of those which are now in progress. When president Jackson entered on his administration he found a far different state of things. There had been no previous monopoly. Public offices were alike filled by his friends and opponents in the late election. If the fact could be ascertained, I believe it would be found that there was a larger number of officers under the government attached than opposed to his late election.

Further, in the case of Mr. Jefferson's election, it was the consequence of the people having determined on a radical change of system. There was a general belief among the majority who brought about that event, that their opponents had violated the Constitution in the enactment of the alien and sedition laws; that they had committed other great abuses, and that some of them contemplated an entire change in the character of our government, so as to give it a monarchical cast. I state the historical fact, without intending to revive the discussion, or deeming it necessary to examine whether such a design existed or not. But those who at that day did believe it, could hardly be expected to acquiesce in the possession by their opponents, the minority of the nation, of all the offices of a government to which some of them were believed to be hostile in principle. The object of Mr. Jefferson was to break down a pre-existing monopoly in the hands of one party, and to establish an equilibrium between the two great parties. The object of president Jackson appears to be, to destroy an existing equilibrium between the two parties to the late contest, and to establish a monopoly. The object of president Jefferson, was the republic, and not himself. That of president Jackson is himself, and not the State.

It never was advanced under Mr. Jefferson's administration, that devotion and attachment to him were an indispensable qualification, without which no one could hold or be appointed to office. The contrast between the inaugural speech of that great man, and that of his present successor, was remarkable in every respect. Mr. Jefferson's breathed a spirit of peace. It breathed a spirit of calm philosophy and dignified moderation. It treated the nation as one family. "We are all republicans, all federalists." It contained no denunciations; no mysterious or ambiguous language; no reflections upon the conduct of his great rival and immediate predecessor. What is the character of the inaugural speech of the present chief magistrate, I shall not attempt to sketch. Mr. Jefferson, upon the solemn occasion of his installation into office, laid down his rule for appointment to office—"Is he honest? is he capable? is he faithful to the Constitution?" But capacity, and integrity, and fidelity, according to the modern rule, appear to count for nothing, without the all-absorbing virtue of fidelity to president Jackson.

I will not consume the time of my friends and fellow-citizens with observations upon many of the late changes.

My object has been, to point your attention to the principle which ap-

pears to have governed all of them, and to classes. I would not have touched this unpleasant topic, but that it seems to me to furnish much and just occasion for serious alarm. I hope that I have treated it in a manner becoming me, without incurring the displeasure of any one now present. I believe the times require all the calm heads and sound hearts of the country. And I would not intentionally say one word to excite the passions.

But there are a few cases of recent removal of such flagrant impropriety, as I sincerely think, that I can not forbear alluding to them. Under no administration prior to the present, from the commencement of the government, have our diplomatic representatives been recalled from abroad, on account of the political opinions they entertained in regard to a previous presidential election. Within my recollection, at this time, there has been but one instance of recall of a foreign minister under the present Constitution, on account of any dissatisfaction with him. But president Washington did not recall Colonel Monroe (the case referred to) from France, on his individual account, but because he was not satisfied with the manner in which he performed the duties of the mission. President Jackson has ordered home two of our foreign ministers, one filling the most important European mission, and the other the most important of our missions on this continent. In both cases the sole ground of recall is, that they were opposed to his election as president. And as if there should be no possible controversy on this head, one of them was recalled before it was known at Washington that he had reached Bogota, the place of his destination; and consequently before he could have possibly disobeyed any instruction, or violated any duty.

The pecuniary effect of these changes, is the certain expenditure, in outfits, of eighteen thousand dollars, and perhaps more than triple that sum in contingences. Now it does seem to me, that (and I put it to your candid judgments whether) this is too large a sum for the public to pay, because two gentlemen had made a mistake of the name which they should have written on a little bit of paper thrown into the ballot-boxes. Mistake! They had, in fact, made no practical mistake. They had not voted at all, one being out of the United States, and the other out of his own State at the time of the election. The money is therefore to be paid because they made a mistake in the abstract opinions which they held, and might possibly, if they had been at home, have erroneously inscribed one name instead of another on their ballots.

There would be some consolation for this waste of public treasure, if it were compensated by the superiority of qualification on the part of the late appointments, in comparison with the previous. But I know all four of the gentlemen perfectly well, and my firm conviction is, that in neither change has the public gained any intellectual advantage. In one of them, indeed, the victor of Tippecanoe and the Thames, of whose gallantry many who are now here were witnesses, is replaced by a gentleman who, if he

possesses one single attainment to qualify him for the office, I solemnly declare it has escaped my discernment.

There was another class of persons whose expulsion from office was marked by peculiar hardship and injustice. Citizens of the District of Columbia were deprived of all actual participation in the elections of the United States. They are debarred from voting for a president, or any member of Congress. Their sentiments, therefore, in relation to any election of those officers, are perfectly abstract. To punish them, as in numerous instances has been done, by dismissing them from their employments, not for what they did, but for what they thought, is a cruel aggravation of their anomalous condition. I know well those who have been discharged from the Department of State, and I take great pleasure in bearing testimony to their merits. Some of them would have done honor to any bureau in any country.

We may worship God according to the dictates of our own consciences. No man's right, in that respect, can be called in question. The Constitution secures it. Public offices are happily, according to the theory of our Constitution, alike accessible to all, Protestants and Catholics, and to every denomination of each. But if our homage is not paid to a mortal, we are liable to a punishment which an erroneous worship of God does not bring upon us. Those public officers, it seems, who have failed to exhibit their devotion to that mortal, are to be visited by all the punishment which he can inflict, in virtue of laws, the execution of which was committed to his hands for the public good, and not to subserve his private purposes.

At the most important port of the United States, the office of collector was filled by Mr. Thompson, whose removal was often urged upon the late administration by some of its friends, upon the ground of his alleged attachment to General Jackson. But the late president was immovable in his resolution to deprive no man of his office, in consequence of his political opinions or preferences. Mr. Thompson's removal was so often and so strongly pressed, for the reason just stated, that an inquiry was made of the Secretary of the Treasury, into the manner in which the duties of the office were discharged. The secretary stated that there was no better collector in the public service; and that his returns and accounts were regularly and neatly rendered, and all the duties of his office ably and honestly performed, as he knew or believed. This meritorious officer has been removed to provide a place for Mr. Swartwout, whose association with Colonel Burr is notorious throughout the United States. I put it to the candor of all who are here, to say if such a change can be justified in the port of New York, the revenue collected at which amounts to about ten millions of dollars, or more than one third of the whole revenue of the United States.

I will detain the present assembly no longer upon subjects connected with the general government. I hope that I shall find, in the future

course of the new administration, less cause for public disapprobation. I most anxiously hope, that when its measures come to be developed, at the next and succeeding sessions of Congress, they shall be perceived to be such as are best adapted to promote the prosperity of the country. I will say, with entire sincerity, that I shall be most happy to see it sustaining the American system, including internal improvements, and upholding the established policy of the government at home and abroad. And I shall ever be as ready to render praise where praise is due, as it is now painful to me, under existing circumstances, to participate in the disapprobation which recent occurrences have produced.

No occasion can be more appropriate than the present, when surrounded by my former constituents, to say a few words upon the unimportant subject of myself. Prior to my return home I had stated, in answer to all inquiries whether I should be again presented as a candidate to represent my old district in the House of Representatives, that I should come to no absolute decision, until I had taken time for reflection, and to ascertain what might be the feelings and wishes of those who had so often honored me with their suffrages. The present representative of the district has conducted himself toward me with the greatest liberality, and I take pleasure now in making my public acknowledgments, so justly due to him. He had promptly declined being a candidate, if I would offer, and he warmly urged me to offer.

Since my return home, I have mixed freely as I could with my friends and fellow-citizens of the district. They have met me with the greatest cordiality. Many of them have expressed a wish that I would again represent them. Some of the most prominent and respectable of those who voted for the present chief magistrate, have also expressed a similar wish. I have every reason to believe, that there would be no opposition to me, from any quarter or any party, if I were to offer. But if I am not greatly deceived in the prevailing feeling throughout the district, it is one more delicate and respectful toward me, and I appreciate it much higher, than if it had been manifested in loud calls upon me to return to my old post. It referred the question to my own sober judgment. My former constituents were generally ready to acquiesce in any decision I might think proper to make. If I were to offer for Congress, they were prepared to support me with their accustomed zeal and true-heartedness. I thank them all, from the very bottom of my heart, whether they agreed or differed with me in the late contest, for this generous confidence.

I have deliberated much on the question. My friends, in other parts of the Union, are divided in opinion about the utility of any services which I could render, at the present period, in the national Legislature. This state of things, at home and abroad, left me free to follow the impulse of my own feelings, and the dictates of my own judgment. These prompted me to remain in private life. In coming to this resolution, I did not mean to impair the force of the obligation under which every citizen, in my opin

ion, stood, to the last flickering of human life, to dedicate his best exertions to the service of the republic. I am ready to act in conformity with that obligation, whenever it shall be the pleasure of the people; and such a probability of usefulness shall exist as will justify my acceptance of any service which they may choose to designate.

I have served my country now near thirty years. My constitution, never very vigorous, requires repose. My health, always of late years very delicate, demands care. My private affairs want my attention. Upon my return home, I found my house out of repair; my farm not in order, the fences down, the stock poor, the crop not set, and late in April the corn-stalks of the year's growth yet standing in the field—a sure sign of slovenly cultivation.

Under all circumstances, I think that, without being liable to the reproach of dereliction of any public duty to my country or to my friends, I may continue at home for a season, if not during the remainder of my life, among my friends and old constituents, cheering and cheered by them, and interchanging all the kind and friendly offices incident to private life. I wished to see them all; to shake hands cordially with them; to inquire into the deaths, births, marriages, and other interesting events among them; to identify myself in fact, as I am in feeling, with them, and with the generation which has sprung up while I have been from home, serving them. I wish to put my private affairs to rights, and if I can, with the blessing of Providence, to re-establish a shattered constitution and enfeebled health.

It has been proposed to me to offer for a seat in the Legislature of the State. I should be proud of the selection, if I believed I could be useful at Frankfort. I see, I think, very clearly, the wants of Kentucky. Its finances are out of order, but they could be easily put straight, by a little moral courage, on the part of the General Assembly, and a small portion of candor and good will among the people. Above all, we want an efficient system of internal improvements adopted by the State. No Kentuckian who traveled in or out of it, could behold the wretched condition of our roads without the deepest mortification. We are greatly in the rear of almost all the adjacent States, some of which sprung into existence long after we were an established commonwealth. While they are obeying the spirit of the age, and nobly marching forward in the improvement of their respective territories, we are absolutely standing still, or rather going backward. It is scarcely credible, but nevertheless true, that it took my family, in the month of April, nearly four days to travel through mud and mire, a distance of only sixty-four miles, over one of the most frequented roads in the State.

And yet our wants, on the subject, are perfectly within the compass of our means, judiciously applied. An artificial road from Maysville to the Tennessee line, one branch in the direction of Nashville, and a second to strike the mouth of Cumberland or Tennessee river; an artificial road ex-

tending from Louisville to intersect the other, somewhere about Bowling Green; one passing by Shelbyville and Frankfort, to the Cumberland gap; and an artificial road extending from Frankfort to the mouth of Big Sandy; compose all the leading roads which at present need the resources of the State. These might be constructed, partly upon the McAdams method, and partly by simply graduating and bridging them, which latter mode can be performed at an expense less than one thousand dollars per mile. Other laterals connecting these main roads, might be left to the public spirit of the local authorities and of private companies.

Congress, without doubt, would aid the State, if we did not call upon Hercules without putting our shoulders to the wheel. But without that aid we could ourselves accomplish all the works which I have described. It would not be practicable to complete them in a period of less than seven or eight years, and of course not necessary to raise the whole sum requisite to the object in one year. Funds drawn from executed parts of the system might be applied to the completion of those that remained. This auxiliary source, combined with the ample means of the State, properly developed, and faithfully appropriated, would enable us to construct all the roads which I have sketched without burdening the people.

But, solicitous as I feel on this interesting subject, I regret that I have not yet seen sufficient demonstrations of the public will to assure me that the judgment of the people had carried them to the same or similar conclusions to which my mind has conducted me. We have been, for years past, unhappily greatly distracted and divided. These dissensions have drawn us off from a view of greater to less important concerns. They have excited bitter feelings and animosities, and created strong prejudices and jealousies. I fear that from these causes the public is not yet prepared dispassionately to consider and adopt a comprehensive, I think the only practical, system of internal improvements in this State. A premature effort might retard, instead of accelerating, the object. And I must add, that I fear extraneous causes would bias and influence the judgment of the Legislature.

Upon the whole, I must decline acceding to the wishes of those who desired to see me in the Legislature. Retirement, unqualified retirement, from all public employment, is what I unaffectedly desire. I would hereafter, if my life and health are preserved, be ready at all times to act on the principles I have avowed, and whenever, at a more auspicious period, there shall appear to be a probability of my usefulness to the Union or to the State, I will promptly obey any call which the people may be pleased to make.

And now, my friends and fellow-citizens, I can not part from you, on possibly this last occasion of my ever publicly addressing you, without reiterating the expression of my thanks from a heart overflowing with gratitude. I came among you, now more than thirty years ago, an orphan boy, penniless, a stranger to you all, without friends, without the favor

of the great. You took me up, cherished me, caressed me, protected me, honored me. You have constantly poured upon me a bold and unabated stream of innumerable favors. Time, which wears out every thing, has increased and strengthened your affection for me. When I seem deserted by almost the whole world, and assailed by almost every tongue, and pen, and press, you have fearlessly and manfully stood by me, with unsurpassed zeal and undiminished friendship. When I felt as if I should sink beneath the storm of abuse and detraction, which was violently raging around me, I have found myself upheld and sustained by your encouraging voices, and your approving smiles. I have doubtless committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude, I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am to appear in the divine presence on other accounts, I invoke the stern justice of His judgment on my public conduct, without the smallest apprehension of His displeasure.

Mr. Clay concluded by proposing the following toast:

THE STATE OF KENTUCKY: a cordial union of all parties in favor of an efficient system of internal improvements, adapted to the wants of the State.

EFFECT OF THE PROTECTIVE SYSTEM ON THE STAPLES OF THE SOUTH.

NATCHEZ, MARCH 13, 1830.

[Mr. Clay, still in private life, on returning from New Orleans, in the spring of 1830, was entertained by a public dinner at Natchez, at the date above given, the Hon. Edward Turner, Judge of the Supreme Court of Mississippi, presiding, who, after a complimentary speech in honor of Mr. Clay, read the following toast :

" *Our distinguished guest*—the firm and patriotic statesman; the grandeur and usefulness of his political views can only be surpassed by his eloquence and ability in advocating them."

To which Mr. Clay replied in substance* as follows :]

Mr. President and Fellow-Citizens—I not only rise in gratitude for the favorable opinions you entertain of me, but to avail myself of an opportunity to acknowledge my sense of the honors conferred upon me by my fellow-citizens of Mississippi. I did, indeed, expect to receive from them such kind attentions, as they are celebrated for extending to every stranger having had the satisfaction to visit them; but it is my pride to acknowledge, that those paid to me, have far, very far, exceeded my expectations; to have received and not acknowledge how sensible I am of them, would seem an affectation of concealing feelings, which I ought to rejoice in possessing, and which justice to myself, as well as to those who bestow this kindness, requires of me to avow.

Ere I landed on your shores, your welcome and congratulations came to meet me; and they came too the more welcome, because I saw commingling around me, citizens, who, though at variance on political subjects, do not suffer their differences to interfere with the claims, which, as friends and as countrymen, they have on each other; and if I have done aught deserving their approbation as well as their censure, believe me, in all that I have done, I have acted in view of the interest and happiness of our common country.

* It should be observed that this speech is only a condensed statement from a Natchez paper

There is nothing in life half so delightful to the heart, as to know, that, notwithstanding all the conflicts that arise among men, yet there comes a time when their passions and prejudices shall slumber, and that the stranger guest shall be cheered in seeing, that whatever differences may arise among them, yet there are moments when they shall cease from troubling, and when all that is turbulent and distrustful among them, shall be sacrificed to the generous and social dictates of their nature; and it would be to me a source of great satisfaction to think, that a recollection of the present would act as a mediator, and soften the asperities of your divisions, as circumstances and events may renew them.

The gentleman who sits at the head of this festive board, and near whose person your kind consideration and courtesy has placed me, was the companion of my early days; and neither time nor distance have weakened in him the feelings which began with our youth, the strong and bright evidences of which are shown in the narration he has given of my public services. But I fear that he has rather conceived me to be what his wishes would have me; and that to these, more than to my own deservings, must I attribute his flattering notice of me.

He then adverted to that part of Judge Turner's address which spoke of Mr. Clay as the decided advocate of the late war. We can not attempt to draw even the outlines of his observations, or to portray the feelings he discovered while depicting the part which Kentucky acted in the war; of the volunteers she sent forth to battle, of the privations she suffered, of the money expended, and of the blood that flowed from her sons, in supporting the nation in the defense of her rights and independence. The expression of his eye, his attitude, and gestures, evinced how deeply the subject affected him. The people of Kentucky, he said, acted nobly throughout the whole contest; and whether in defeat or in victory, she still showed the determination to sustain the American character, and to maintain American independence; and it would be only to repeat, what was a common observation among the people of his State, to say, that their countrymen of Mississippi, acted with a spirit during the war worthy the best days of the Revolution.

In speaking of the invasion of Louisiana, and of the battle of New Orleans, his feeling and his voice seemed to rise with the subject. The encomiums he passed upon the hero who had achieved the victory, though said in a few words, were such as might be expected from a statesman so great in honor, and so exalted in patriotism, as Mr. Clay. He concluded this part of his speech, by saying, that, although by the negotiations at Ghent, none of the objects for which the nation went to war, were guarantied by the treaty of peace; yet they were secured to us by a power much stronger than any treaty stipulations could give: the influence of our arms, the resources and power of the republic, as brought forth and shown in the contest.

He now spoke of the apprehensions entertained by many, that the Union

would be dissolved; but he considered all apprehensions of this kind, as arising more from our fears that such a misfortune should visit the country, than from any substantial reasons to justify them. Rumors, he said, had gone abroad ever since the adoption of the present Constitution, that the republic would be dismembered. Whenever any important question arose, in which the passions and prejudices of party, rather than the reason of the people, was brought to bear on the discussion, the cry would be heard, that the Union would fall in the conflict; to-day, the disposition to separate would be charged on the West; to-morrow, against the North or the East; and then it would be returned back again to the South; but as long as I have lived, said Mr. Clay, I have seen nothing to give me any serious fears that such an evil could befall us. First, the people were divided into democrats and federalists; then we had the funding system, and the bank of the United States; then came the Missouri question, and last the tariff. On this question my partial friend has honored me with the appellation of the advocate of domestic industry. I am, indeed, from conscientious convictions, the friend of that system of public policy, which has been called the American system; and here, among those who honestly differ with me on this question, I would be indulged, by this magnanimous people, in offering a few remarks on this subject.

It has been objected to this policy by a distinguished statesman in Congress, that our country was too extended, the lands too cheap and fertile, and our population too sparse to admit of the manufacturing system; that our people were physically incapable of that confined degree of labor, necessary to excellence in manufactures; but experience has surely disproved these positions. We are by nature inferior to no people, physically or mentally, and time has proved, and will continue to prove it.

I am aware that the people of this quarter of the Union conscientiously believe, that the tariff bears heavily on them; yet I feel also well assured, from a retrospect of the past, that if the laws on this subject were even more severe in their operation than I believe them to be, this patriotic people would endure them patiently. Yes, if the independence of the country, the interests, and above all, the cause of the Union required heavy sacrifices, they would endure them. But while claiming no immunity from error, I feel the most sincere, the deepest conviction, that the tariff, so far from having proved injurious to the peculiar interests of this section of the country, has been eminently beneficial. I ask leave to put two questions to those interested in your great staple. I would take the common operations of sale and of purchase: has the operation of the tariff lowered the price of what you sell? The price of every article must be regulated mainly by the demand: has, then, the consumption of cotton diminished since the tariff of 1824, or 1828? No, it has increased, greatly increased; and why? Because the protection extended by this policy, has created a new customer in the American manufacturer, who takes two hundred thousand bales, without having lessened the demand for the European market.

British merchants have found new markets for their cotton fabrics, and the competition, thus created, while it has reduced the price of the manufactured article, has increased the consumption of the raw material. Again, has the tariff increased the price of what you buy? Take the article of domestic cotton, for example; has not the American manufacturer, since the adoption of this system, afforded you a better article and at less price than before? Take a familiar instance, one in which, having some personal interest, I ought to be acquainted with; take the article manufactured in my own State, for the covering of your cotton bales; take any period, say six years before and six years since the tariff of 1824; has the average price of cotton bagging increased or diminished, in that period? I think I can appeal confidently to those around me, for the reply. We afford you a better article than the European, and at a greatly reduced price. But, I am permitting myself to be carried away by the subject; I will obtrude no longer on the indulgence of this generous people. I feel my inability to express my profound and heartfelt gratitude, for the too flattering reception you have given me, and for the sentiments you have been pleased to honor me with, an humble individual in private life. I ask permission to offer a sentiment:

"The health and prosperity of the people of the State of Mississippi."

NULLIFICATION AND OTHER TOPICS

CINCINNATI, AUGUST 3, 1830.

[The Bank, the American System, and Internal Improvements, are topics of the following speech; but Nullification is the principal theme. This latter was about this time a novelty in the political history of the country, as having just begun to be agitated. South Carolina statesmen had all the responsibility of first proposing it, and from that day to this they have taken the lead in it. Since its first proposal, the doctrine has branched out into a claim of the right of secession. As will be seen, nullification does not necessarily imply secession, though it may be difficult to see how the former could be carried out without leading to the latter. But the first idea of nullification was doubtless limited to the action of a State in making null and void a Federal law or laws, within the circle of its own jurisdiction, without contemplating the absolute independence of a secession. Seeing, however, that nullification, in its practical operation, could hardly stop short of secession, the propounders of the doctrine, in its first and limited signification, afterward came boldly up to the claim of the right of secession; and that is the present (1856) aspect of the question. The theory of nullification, as first entertained, supposed and assumed that any State, by its legislation and courts, could nullify, within its own limits, such laws of the United States as its own authorities might adjudge to be unconstitutional, so that they could not be executed under its jurisdiction; and here, perhaps, it was thought that nullification would stop, till the federal Government should repeal the obnoxious laws. But, to be relieved from the embarrassments of such a position, and to make thorough work, the nullifiers became secessionists, holding that the federal Union is a voluntary compact, which either of the parties could dissolve at will, in the same manner as they had made it. This, as will be seen, becomes a momentous question, so far as it is seriously entertained. Though the right of seces-

sion had not been agitated when Mr. Clay delivered the following speech, he foresaw that nullification would end in that. He therefore treated the subject in its broadest sense, and used the terms nullification and secession interchangeably. The Constitution of the United States had erected a supreme tribunal, in the Supreme Court, to determine what was law for States as well as for other parties, and it was absurd to suppose that the constitutionality of a law, when a State is a party, could be decided anywhere else. Nor is it less absurd to suppose that one of thirty or more parties to the Union has a right to dissolve it. By the federal compact, the sovereignty of a State can never trespass on federal jurisdiction, any more than on the jurisdiction of a foreign State. The laws of the United States, so far as they extend over the jurisdiction of a State, are supreme, and State authority can extend no further than its own legislation made in conformity with this rule, the Supreme Court of the United States being always the judge of such conformity, as occasion may require. Federal law, therefore, has as good a title within the jurisdiction of the States as the State laws, and so much better as that the former is supreme over the latter. The sovereignty of the federal government, within the bounds of the States, is limited by the federal Constitution, and by the same instrument the sovereignty of the States is limited. The sovereignty of the States is absolute only within these prescribed limits. It is impossible, in the nature of the federal compact, that a State should seize on that part of the federal jurisdiction which lies within its own limits, which the right of secession supposes. If the State has rights under its own jurisdiction, so has the federal government rights in the same place, and the latter are always supreme over the former. It is not possible, therefore, that a State should move a single inch in the line of secession; much less could it nullify a law of the United States. To attempt either would be rebellion, and a revolution.

This speech was delivered by Mr. Clay, at a collation made for him by the mechanics of Cincinnati, in response to the following toast:

"*Our valued guest*: It is his highest eulogium, that the name of Henry Clay is inseparably associated with the best interests of the country, as their asserter and advocate."]

Mr. President and Fellow-citizens—In rising to make the acknowledgments which are due from me, for the sentiment which has been just drunk, and for the honors which have been spontaneously rendered to me

on my approach, and during my visit to this city, I feel more than ever the incompetency of all language adequately to express the grateful feelings of my heart. Of these distinguished honors, crowned heads themselves might well be proud. They indeed possess a value far surpassing that of any similar testimonies which could be offered to the chief of an absolute government. There, they are, not unfrequently, tendered by reluctant subjects, awed by a sense of terror, or impelled by a sense of servility. Here, in this land of equal laws and equal liberty, they are presented to a private fellow-citizen, possessing neither office nor power, nor enjoying any rights and privileges which are not common to every member of the community. Power could not buy nor deter them. And, what confers an estimable value on them to me—what makes them alone worthy of you, or more acceptable to their object, is, that they are offered, not to the man, but to the public principles and public interests, which you are pleased to associate with his name. On this occasion too, they emanate from one of those great productive classes which form the main pillars of public liberty, and public prosperity. I thank you, fellow-citizens, most cordially, for these endearing proofs of your friendly attachment. They have made an impression of gratitude on my heart, which can never be effaced, during the residue of my life. I avail myself of this last opportunity of being present at any large collection of my fellow-citizens of Ohio, during my present visit, to express my respectful acknowledgments, for the hospitality and kindness with which I have been everywhere received and entertained.

Throughout my journey, undertaken solely for private purposes, there has been a constant effort on my side, to repress, and, on that of my fellow-citizens of Ohio, to exhibit public manifestations of their affection and confidence. It has been marked by a succession of civil triumphs. I have been escorted from village to village, and have everywhere found myself surrounded by large concourses of my fellow-citizens, often of both sexes, greeting and welcoming me. Nor should I do justice to my feelings, if I confined the expression of my obligations to those only with whom I had the happiness to agree, on a late public event. They are equally due to the candid and liberal of those from whom it was my misfortune to differ on that occasion, for their exercise toward me of all the rights of hospitality and neighborly courtesy. It is true, that in one or two of the towns through which I passed, I was informed, that attempts were made, by a few political zealots, to dissuade portions of my fellow-citizens from visiting and saluting me. These zealots seemed to apprehend, that an invading army was about to enter the town; that it was necessary to sound the bells, to beat the drums, to point the cannon, and to make all needful preparations for a resolute assault, and a gallant defense. They were accordingly seen in the streets, and at public places, beating up for recruits, and endeavoring to drill their men. But I believe there were only a few who were awed by their threats, or seduced by their bounty, to enlist in such a cause. The

great body of those who thought differently from me, in the instance referred to, remained firm and immovable. They could not comprehend that it was wrong to extend to a stranger from a neighboring State, the civilities which belong to social life. They could not comprehend that it was right to transform political differences into deadly animosities. Seeing that varieties in the mode of worshiping the great Ruler of the universe did not disturb the harmony of private intercourse, they could not comprehend the propriety of extending to mortal man a sacrifice which is not offered to our immortal Father, of all the friendly and social feelings of our nature, because we could not all agree as to the particular exercise of the elective franchise. As independent and intelligent freemen, they would not consent to submit to an arrogant usurpation which assumed the right to control their actions, and to regulate the feelings of their hearts, and they scorned with indignation, to yield obedience to the mandates of would-be dictators. To quiet the apprehension of these zealots, I assure them, that I do not march at the head of any military force; that I have neither horse, foot, nor dragoons, and that I travel with my friend Charles (a black boy, residing in my family, for whom I feel the same sort of attachment that I do for my own children), without sword, pistol, or musket! Another species of attempted embarrassment has been practiced by an individual of this city. About an hour before I left my lodgings for this spot, he caused a packet to be left in my room by a little boy, who soon made his exit. Upon opening it, I looked at the signature, and that was enough for me. It contained a long list of interrogatories, which I was required publicly to answer. I read only one or two of them. There are some men whose contact is pollution. I can recognize no right in the person in question to catechize me. I can have no intercourse with one who is a disgrace to the gallant and generous nation from which he sprang. I can not stoop to be thus interrogated by a man whose nomination to a paltry office, was rejected by nearly the unanimous vote of the Senate; I must be excused if, when addressing my friends, the mechanics of Cincinnati, I will not speak from his notes. On the renewal of the charter of the present bank of the United States, which I believe formed the subject of one or two of these interrogatories, I will say a few words for your, not his sake. I will observe, in the first place, that I am not in favor of such a bank as was recommended in the message of the president of the United States, at the commencement of the last session of Congress; that, with the committee of the two Houses, I concur in thinking it would be an institution of a dangerous and alarming character; and that fraught as it would be with the most corrupting tendencies, it might be made powerfully instrumental in overturning our liberties. As to the existing bank, I think it has been generally administered, and particularly of late years, with great ability and integrity; that it has fulfilled all the reasonable expectations of those who constituted it; and, with the same committees, I think it has made an approximation toward the equalization of the currency, as great as is practi-

cable. Whether the charter ought to be renewed or not, near six years hence, in my judgment, is a question of expediency to be decided by the then existing state of the country. It will be necessary at that time, to look carefully at the condition both of the bank and of the Union. To ascertain, if the public debt shall, in the mean time, be paid off, what effect that will produce? What will be our then financial condition? what that of local banks, the state of our commerce, foreign and domestic, as well as the concerns of our currency generally? I am, therefore, not now prepared to say, whether the charter ought, or ought not, to be renewed on the expiration of its present term. The bank may become insolvent, and may hereafter forfeit all pretensions to a renewal. The question is premature. I may not be alive to form any opinion upon it. It belongs to posterity, and if they would have the goodness to decide for us some of the perplexing and practical questions of the present day, we might be disposed to decide that remote question for them. As it is, it ought to be indefinitely postponed.

With respect to the American system, which demands your undivided approbation, and in regard to which you are pleased to estimate much too highly my service, its great object is to secure the independence of our country, to augment its wealth, and to diffuse the comforts of civilization throughout society. That object, it has been supposed, can be best accomplished by introducing, encouraging, and protecting the arts among us. It may be called a system of real reciprocity, under the operation of which one citizen or one part of the country, can exchange one description of the produce of labor, with another citizen or another part of the country, for a different description of the produce of labor. It is a system which develops, improves, and perfects the capabilities of our common country, and enables us to avail ourselves of all the resources with which Providence has blessed us. To the laboring classes it is invaluable, since it increases and multiplies the demands for their industry, and gives them an option of employments. It adds power and strength to our Union, by new ties of interest, blending and connecting together all its parts, and creating an interest with each in the prosperity of the whole. It secures to our own country, whose skill and enterprise, properly fostered and sustained, can not be surpassed, those vast profits which are made in other countries by the operation of converting the raw material into manufactured articles. It naturalizes, and creates within the bosom of our country all the arts; and, mixing the farmer, manufacturer, mechanic, artist, and those engaged in other vocations together, admits of those mutual exchanges, so conducive to the prosperity of all and every one, free from the perils of sea and war: all this it effects, while it nourishes and leaves a fair scope to foreign trade. Suppose we were a nation that clad ourselves, and made all the implements necessary to civilization, but did not produce our own bread, which we brought from foreign countries, although our own was capable of producing it, under the influence of suitable laws of protection, ought

not such laws to be enacted? The case supposed is not essentially different from the real state of things which led to the adoption of the American system.

That system has had a wonderful success. It has more than realized all the hopes of its founders. It has completely falsified all the predictions of its opponents. It has increased the wealth, and power, and population of the nation. It has diminished the price of articles of consumption, and has placed them within the reach of a far greater number of our people than could have found means to command them, if they had been manufactured abroad instead of at home.

But it is useless to dwell on the argument in support of this beneficent system before this audience. It will be of more consequence here to examine some of the objections which are still urged against it, and the means which are proposed to subvert it. These objections are now principally confined to its operation upon the great staple of cotton wool, and they are urged with most vehemence in a particular State. If the objections are well founded, the system should be modified, as far as it can consistently with interest, in other parts of the Union. If they are not well founded, it is to be hoped they will be finally abandoned.

In approaching the subject, I have thought it of importance to inquire what was the profit made upon capital employed in the culture of cotton, at its present reduced price? The result has been information that it nets from seven to eighteen per cent. per annum, varying according to the advantage of situation, and the degree of skill, judgment, and industry, applied to the production of the article. But the lowest rate of profit, in the scale, is more than the greatest amount which is made on capital employed in the farming portions of the Union.

If the cotton planter has any just complaint against the expediency of the American system, it must be founded on the fact that he either sells less of his staple, or sells at lower prices, or purchases for consumption articles at dearer rates, or of worse qualities, in consequence of that system, than he would do if it did not exist. If he would neither sell more of his staple, nor sell it at better prices, nor could purchase better or cheaper articles for consumption, provided the system did not exist, then he has no cause, on the score of burdensome operation, to complain of the system, but must look to other sources for the grievances which he supposes afflict him.

As respects the sale of his staple, it would be indifferent to the planter, whether one portion of it was sold in Europe, and the other in America, provided the aggregate of both were equal to all that he could sell in one market, if he had but one, and provided he could command the same price in both cases. The double market would indeed be something better for him, because of its greater security in time of war as well as in peace, and because it would be attended with less perils and less charges. If there be an equal amount of the raw material manufactured, it must be immaterial to

the cotton planter, in the sale of the article, whether there be two theaters of the manufacture, one in Europe and the other in America, or but one in Europe; or if there be a difference, it will be in favor of the two places of manufacture, instead of one, for reasons already assigned, and others that will be hereafter stated.

It could be of no advantage to the cotton planter, if all the cotton now manufactured both in Europe and America, was manufactured exclusively in Europe, and an amount of cotton fabrics should be brought back from Europe, equal to both what is now brought from there, and what is manufactured in the United States, together. While he would gain nothing, the United States would lose the profit and employment resulting from the manufacture of that portion which is now wrought up by the manufacturers of the United States.

Unless, therefore, it can be shown, that, by the reduction of import duties, and the overthrow of the American system, and by limiting the manufacture of cotton to Europe, a greater amount of the raw material would be consumed than is at present, it is difficult to see what interest, so far as respects the sale of that staple, the cotton planter has in the subversion of that system. If a reduction of duties would admit of larger investments in British or European fabrics of cotton, and their subsequent importation into this country, this additional supply would take the place, if consumed, of an equal amount of American manufactures, and consequently would not augment the general consumption of the raw material. Additional importation does not necessarily imply increased consumption, especially when it is effected by a policy which would impair the ability to purchase and consume.

Upon the supposition just made, of a restriction to Europe of the manufacture of cotton, would more or less of the article be consumed than now is? More could not be, unless, in consequence of such a monopoly of the manufacture, Europe could sell more than she now does. But to what countries could she sell more? She gets the raw material now unburdened by any duties except such moderate ones as her policy, not likely to be changed, imposes. She is enabled thereby to sell as much of the manufactured article as she can find markets for in the States within her own limits, or in foreign countries. The destruction of the American manufacture would not induce her to sell cheaper, but might enable her to sell dearer, than she now does. The ability of those foreign countries, to purchase and consume, would not be increased by the annihilation of our manufactures, and the monopoly of European manufacture. The probability is, that those foreign countries, by the fact of that monopoly, and some consequent increase of price, would be worse and dearer supplied than they now are, under the operation of a competition between America and Europe in their supply.

At most, the United States, after the transfer from their territory to Europe, of the entire manufacture of the article, could not consume, of

European fabrics from cotton, a greater amount than they now derive from Europe, and from manufactures within their own limits.

But it is confidently believed, that the consumption of cotton fabrics, on the supposition which has been made, within the United States, would be much less than it is at present. It would be less, because the American consumer would not possess the means or ability to purchase as much of the European fabric as he now does to buy the American. Europe purchases but little of the produce of the northern, middle, and western regions of the United States. The staple productions of those regions are excluded from her consumption by her policy, or by her native supplies of similar productions. The effect, therefore, of obliging the inhabitants of those regions to depend upon the cotton manufactures of Europe for necessary supplies of the article, would be alike injurious to them, and to the cotton grower. They would suffer from their inability to supply their wants, and there would be a consequent diminution of the consumption of cotton. By the location of the manufacture in the United States, the quantity of cotton consumed is increased, and the more numerous portion of their inhabitants, who would not be otherwise sufficiently supplied, are abundantly served. That this is the true state of things, I think can not be doubted by any reflecting and unprejudiced man. The establishment of manufactures within the United States, enables the manufacturer to sell to the farmer, the mechanic, the physician, the lawyer, and all who are engaged in other pursuits of life; and these, in their turns, supply the manufacturer with subsistence, and whatever else his wants require. Under the influence of the protecting policy, many new towns have been built, and old ones enlarged. The population of these places draw their subsistence frem the farming interest of our country, their fuel from our forests and coal mines, and the raw materials from which they fashion and fabricate, from the cotton planter and the mines of our country. These mutual exchanges, so animating and invigorating to the industry of the people of the United States, could not possibly be effected between America and Europe, if the latter enjoyed the monopoly of manufacturing.

It results, therefore, that, so far as the sale of the great southern staple is concerned, a greater quantity is sold and consumed, and consequently better prices are obtained, under the operation of the American system, than would be without it. Does that system oblige the cotton planter to buy dearer or worse articles of consumption than he could purchase, if it did not exist?

The same course of American and European competition, which enables him to sell more of the produce of his industry, and at better prices, also enables him to buy cheaper and better articles for consumption. It can not be doubted, that the tendency of the competition between the European and American manufacturer, is to reduce the price and improve the quality of their respective fabrics, whenever they come into collision.

This is the immutable law of all competition. If the American manufacture were discontinued, Europe would then exclusively furnish those supplies which are now derived from the establishments in both continents; and the first consequence would be, an augmentation of the demand, beyond the supply, equal to what is now manufactured in the United States, but which, in the contingency supposed, would be wrought in Europe. If the destruction of the American manufactures were sudden, there would be a sudden and probably a considerable rise in the European fabrics. Although, in the end, they might be again reduced, it is not likely that the ultimate reduction of the prices would be to such rates as if both the workshops of America and Europe remained sources of supply. There would also be a sudden reduction in the price of the raw material, in consequence of the cessation of American demand. And this reduction would be permanent, if the supposition be correct, that there would be a diminution in the consumption of cotton fabrics, arising out of the inability, on the part of large portions of the people of the United States, to purchase those of Europe.

That the effect of competition between the European and American manufacture, has been to supply the American consumer with cheaper and better articles, since the adoption of the American system, notwithstanding the existence of causes which have obstructed its fair operation, and retarded its full development, is incontestable. Both the freeman and the slave are now better and cheaper supplied than they were prior to the existence of that system. Cotton fabrics have diminished in price, and been improved in their texture, to an extent that it is difficult for the imagination to keep pace with. Those partly of cotton and partly of wool are also better and cheaper supplied. The same observation is applicable to those which are exclusively wrought of wool, iron, or glass. In short, it is believed that there is not one item of the tariff inserted for the protection of native industry, which has not fallen in price. The American competition has tended to keep down the European rival fabric, and the European has tended to lower the American.

Of what then can the South Carolina planter justly complain in the operation of this system? What is there in it which justifies the harsh and strong epithets which some of her politicians have applied to it? What is there in her condition, which warrants their assertion, that she is oppressed by a government to which she stands in the mere relation of a colony?

She is oppressed by a great reduction in the price of manufactured articles of consumption.

She is oppressed by the advantage of two markets for the sale of her valuable staple, and for the purchase of objects required by her wants.

She is oppressed by better prices for that staple than she could command, if the system to which they object did not exist.

She is oppressed by the option of purchasing cheaper and better articles,

the produce of the hands of American freemen, instead of dearer and worse articles, the produce of the hands of British subjects.

She is oppressed by the measures of a government in which she has had, for many years, a larger proportion of power and influence, at home and abroad, than any State in the whole Union, in comparison with the population.

A glance at the composition of the government of the Union, will demonstrate the truth of this last proposition. In the Senate of the United States, South Carolina having the presiding officer, exercises nearly one sixteenth instead of one twenty-fourth part of both its legislative and executive functions.

In both branches of Congress, some of her citizens now occupy, as chairmen of committees, the most important and influential stations. In the Supreme Court of the United States, one of her citizens being a member, she has one seventh part, instead of about one twentieth, her equal proportion of the whole power vested in that tribunal. Until within a few months, she had nearly one third of all the missions of the first grade, from this to foreign countries. In a contingency, which is far from impossible, a citizen of South Carolina would instantly become charged with the administration of the whole of the vast power and patronage of the United States.

Yet her situation has been compared to that of a colony which has no voice in the laws enacted by the parent country for its subjection! And to be relieved from this cruel state of vassalage, and to put down a system which has been established by the united voice of all America, some of her politicians have broached a doctrine as new as it would be alarming, if it were sustained by numbers in proportion to the zeal and fervid eloquence with which it is inculcated. I call it a novel doctrine. I am not unaware that attempts have been made to support it on the authority of certain acts of my native and adopted States. Although many of their citizens are much more competent than I am to vindicate them from this imputation of purposes of disunion and rebellion, my veneration and affection for them both urge me to bear my testimony of their innocence of such a charge. At the epoch of 1798–9, I had just attained my majority, and although I was too young to share in the public councils of my country, I was acquainted with many of the actors of that memorable period; I knew their views, and formed and freely expressed my own opinions on passing events. The then administration of the general government was believed to entertain views (whether the belief was right or wrong is not material to this argument, and is now an affair of history) hostile to the existence of the liberties of this country. The alien and sedition laws, particularly, and other measures, were thought to be the consequences and proofs of those views. If the administration had such a purpose, it was feared that the extreme case, justifying forcible resistance, might arise, but no one believed that, in point of fact, it had arrived. No one contended

that a single State possessed the power to annul the deliberate acts of the whole. And the best evidence of these remarks is the fact, that the most odious of those laws (the sedition act), was peaceably enforced in the capital of that great State which took the lead in opposition to the existing administration.

The doctrines of that day, and they are as true at this, were, that the federal government is a limited government; that it has no powers, but the granted powers. Virginia contended, that in case "of a palpable, deliberate, and dangerous exercise of other powers not granted by said compact, the States, who are parties thereto, have the right to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." Kentucky declared, that the "several States, that framed that instrument, the federal Constitution, being sovereign and independent, have the unquestionable right to judge of its instructions, and a nullification by those sovereignties, of all unauthorized acts, done under color of that instrument, is the rightful remedy."

Neither of these two commonwealths asserted the right of a single State to interpose and annul an act of the whole. This is an inference drawn from the doctrines then laid down, and it is not a principle expressly asserted or fairly deducible from the language of either. Both refer to the States collectively (and not individually), when they assert their right, in case of federal usurpation, to interpose "for arresting the progress of evil." Neither State ever did, no State ever yet has, by its separate legislation, undertaken to set aside an act of Congress.

That the States collectively may interpose their authority to check the evils of federal usurpation, is manifest. They may dissolve the Union. They may alter, at pleasure, the character of the Constitution, by amendment; they may annul any acts purporting to have been passed in conformity to it, or they may, by their elections, change the functionaries to whom the administration of its powers is confided. But no one State, by itself, is competent to accomplish these objects. The power of a single State to annul an act of the whole, has been reserved for the discovery of some politicians in South Carolina.

It is not my purpose, upon an occasion so unfit, to discuss this pretension. Upon another and a more suitable theater, it has been examined and refuted, with an ability and eloquence which have never been surpassed on the floor of Congress. But, as it is announced to be one of the means which is intended to be employed to break down the American system, I trust that I shall be excused for a few additional passing observations. On a late festive occasion, in the State where it appears to find most favor, it is said, by a gentleman whom I once proudly called my friend, and toward whom I have done nothing to change that relation—a gentleman who has been high in the councils and confidence of the nation, that the tariff must be resisted at all hazards. Another gentleman,

who is a candidate for the chief magistracy of that State, declares that the time and the case for resistance had arrived. And a third, a senator of the United States, who enjoys unbounded confidence with the American executive, laid down principles and urged arguments tending directly and inevitably to violent resistance, although he did not indicate that as his specific remedy.

The doctrine of some of the South Carolina politicians is, that it is competent to that State to annul, within its limits, the authority of an act deliberately passed by the Congress of the United States. They do not appear to have looked much beyond the simple act of nullification, into the consequences which would ensue, and have not distinctly announced, whether one of them might not necessarily be, to light up a civil war. They seem, however, to suppose, that the State might, after the act was performed, remain a member of the Union. Now if one State can, by an act of its separate power, absolve itself from the obligations of a law of Congress, and continue a part of the Union, it could hardly be expected, that any other State would render obedience to the same law. Either every other State would follow the nullifying example, or Congress would feel itself constrained, by a sense of equal duty to all parts of the Union, to repeal altogether the nullified law. Thus, the doctrine of South Carolina, although it nominally assumes to act for one State only, in effect, would be legislating for the whole Union.

Congress embodies the collective will of the whole Union, and that of South Carolina among its other members. The legislation of Congress is, therefore, founded upon the basis of the representation of all. In the Legislature, or a convention of South Carolina, the will of the people of that State is alone collected. They alone are represented, and the people of no other State have any voice in their proceedings. To set up for that a claim, by a separate exercise of its power, to legislate, in effect, for the whole Union, is to assert a pretension at war with the fundamental principles of all representative and free governments. It would practically subject the unrepresented people of all other parts of the Union to the arbitrary and despotic power of one State. It would substantially convert them into colonies, bound by the parental authority of that State.

Nor can this enormous pretension derive any support from the consideration, that the power to annul, is different from the power to originate laws. Both powers are, in their nature, legislative; and the mischiefs which might accrue to the republic from the annulment of its wholesome laws, may be just as great as those which would flow from the origination of bad laws. There are three things to which, more than all others, mankind in all ages, have shown themselves to be attached, their religion, their laws, and their language.

But it has been argued, in the most solemn manner, "that the acknowledgments of the exclusive right of the federal government to determine the limits of its own powers, amounts to a recognition of the absolute

supremacy over the States and the people, and involves the sacrifice not only of our dearest rights and interests, but the very existence of the southern States.

In cases where there are two systems of government, operating at the same time and place, over the same people, the one general, the other local or particular, one system or the other must possess the right to decide upon the extent of the powers, in cases of collision, which are claimed by the general government. No third party, of sufficient impartiality, weight, and responsibility, other than such a tribunal as a Supreme Court, has yet been devised, or perhaps can be created.

The doctrine of one side is, that the general government, though limited in its nature, must necessarily possess the power to ascertain what authority it has, and, by consequence, the extent of that authority. And that, if its legislative or executive functionaries, by act, transcend that authority, the question may be brought before the Supreme Court, and, being affirmatively decided by that tribunal, their act must be obeyed until repealed or altered by competent power.

Against the tendency of this doctrine to absorb all power, those who maintain it think there are reasonable, and, they hope, sufficient securities. In the first place, all are represented in every legislative or executive act, and, of course, each State can exert its proper influence, to prevent the adoption of any that may be deemed prejudicial or unconstitutional. Then, there are sacred oaths, elections, public virtue and intelligence, the power of impeachment, a common subjection to both systems of those functionaries who act under either, the right of the States to interpose and amend the Constitution, or to dissolve the Union; and, finally, the right, in extreme cases, when all other remedies fail, to resist insupportable oppression.

The necessity being felt, by the framers of the Constitution, to declare which system should be supreme, and believing that the securities now enumerated, or some of them, were adequate, they have accordingly provided, that the Constitution of the United States, and the laws made in pursuance of it, and all treaties made under the authority of the United States, shall be the supreme law of the land; and that the judicial power shall extend to all cases arising under the Constitution, laws, or treaties, of the United States.

The South Carolina doctrine, on the other side, is, that that State has the right to determine the limits of the powers granted to the general government; and that whenever any of its acts transcend those limits, in the opinion of the State of South Carolina, she is competent to annul them. If the power, with which the federal government is invested by the Constitution, to determine the limits of its authority, be liable to the possible danger of ultimate consolidation, and all the safeguards which have been mentioned might prove inadequate, is not this power, claimed for South Carolina, fraught with infinitely more certain, immediate, and

fatal danger? It would reverse the rule of supremacy prescribed in the Constitution. It would render the authority of a single State paramount to that of the whole Union. For, undoubtedly, that government, to some extent, must be supreme, which can annul and set aside the acts of another.

The securities which the people of other parts of the United States possess against the abuse of this tremendous power claimed for South Carolina, will be found, on comparison, to be greatly inferior to those which she has against the possible abuses of the general government. They have no voice in her councils; they could not, by the exercise of the elective franchise, change her rulers; they could not impeach her judges, they could not alter her Constitution, nor abolish her government.

Under the South Carolina doctrine, if established, the consequence would be a dissolution of the Union, immediate, inevitable, irresistible. There would be twenty-four chances to one against its continued existence. The apprehended dangers of the opposite doctrine, remote, contingent, and hardly possible, are greatly exaggerated; and, against their realization, all the precautions have been provided, which human wisdom and patriotic foresight could conceive and devise.

Those who are opposed to the supremacy of the Constitution, laws, and treaties of the United States, are adverse to all union, whatever contrary professions they may make. For it may be truly affirmed, that no confederacy of States can exist without a power, somewhere residing in the government of that confederacy, to determine the extent of the authority granted to it by the confederating States.

It is admitted that the South Carolina doctrine is liable to abuse; but it is contended that the patriotism of each State is an adequate security, and that the nullifying power would only be exercised "in an extraordinary case, where the powers reserved to the States, under the Constitution, are usurped by the federal government." And is not the patriotism of all the States as great a safeguard against the assumption of powers, not conferred upon the general government, as the patriotism of one State is against the denial of powers which are clearly granted? But the nullifying power is only to be exercised in an extraordinary case. Who is to judge of this extraordinary case? What security is there, especially in moments of great excitement, that a State may not pronounce the plainest and most common exercise of federal power an extraordinary case? The expressions in the Constitution, "general welfare," have been often justly criticised, and shown to convey, in themselves, no power, although they may indicate how the delegated power should be exercised. But this doctrine of an extraordinary case, to be judged of and applied by one of the twenty-four sovereignties, is replete with infinitely more danger, than the doctrine of the "general welfare" in the hands of all.

We may form some idea of future abuses under the South Carolina doctrine, by the application which is now proposed to be made of it. The

American system is said to furnish an extraordinary case, justifying that State to nullify it. The power to regulate foreign commerce by a tariff, so adjusted as to foster our domestic manufactures, has been exercised from the commencement of our present Constitution down to the last session of Congress. I have been a member of the House of Representatives at three different periods, when the subject of the tariff was debated at great length, and on neither, according to my recollection, was the want of a constitutional power in Congress, to enact it, dwelt on as forming a serious and substantial objection to its passage. On the last occasion (I think it was) in which I participated in the debate, it was incidentally said to be against the spirit of the Constitution. While the authority of the father of the Constitution is invoked to sanction, by a perversion of his meaning, principles of disunion and rebellion, it is rejected to sustain the controverted power, although his testimony in support of it has been clearly and explicitly rendered. This power, thus asserted, exercised, and maintained, in favor of which leading politicians in South Carolina have themselves voted, is alleged to furnish "an extraordinary case," where the powers reserved to the States, under the Constitution, are usurped by the general government. If it be, there is scarcely a statute in our code which would not present a case equally extraordinary, justifying South Carolina or any other State to nullify it.

The United States are not only threatened with the nullification of numerous acts, which they have deliberately passed, but with a withdrawal of one of the members from the confederacy. If the unhappy case should ever occur, of a State being really desirous to separate itself from the Union, it would present two questions. The first would be, whether it had a right to withdraw, without the common consent of the members; and, supposing, as I believe, no such right to exist, whether it would be expedient to yield consent. Although there may be power to prevent a secession, it might be deemed politic to allow it. It might be considered expedient to permit the refractory State to take the portion of goods that falleth to her, to suffer her to gather her all together, and to go off with her living. But, if a State should be willing, and allowed thus to depart, and to renounce her future portion of the inheritance of this great, glorious, and prosperous republic, she would speedily return, and, in language of repentance, say to the other members of this Union, "Brethren, I have sinned against heaven and before thee." Whether they would kill the fatted calf, and, chiding any complaining member of the family, say, "This thy sister was dead, and is alive again; and was lost, and is found," I sincerely pray the historian may never have occasion to record.

But nullification and disunion are not the only nor the most formidable means of assailing the tariff. Its opponents opened the campaign at the last session of Congress, and, with the most obliging frankness, have since publicly exposed their plan of operations. It is, to divide and conquer; to attack and subdue the system in detail. They began by reducing the

duty on salt and molasses, and, restoring the drawback of the duty on the latter article, allowed the exportation of spirits distilled from it. To all who are interested in the distillation of spirits from native materials, whether fruit, molasses, or grain, this latter measure is particularly injurious. During the administration of Mr. Adams, the duty on foreign molasses was augmented, and the drawback, which had been previously allowed of the duty upon the exportation of spirits distilled from it, was repealed. The object was to favor native produce, and to lessen the competition of foreign spirits, or spirits distilled from foreign materials, with spirits distilled from domestic materials. It was deemed to be especially advantageous to the western country, a great part of whose grain can only find markets at home and abroad by being converted into distilled spirits. Encouraged by this partial success, the foes of the tariff may next attempt to reduce the duties on iron, woolens, and cotton fabrics, successively. The American system of protection should be regarded, as it is, an entire and comprehensive system, made up of various items, and aiming at the prosperity of the whole Union, by protecting the interests of each part. Every part, therefore, has a direct interest in the protection which it enjoys of the articles which its agriculture produces, or its manufactories fabricate, and also a collateral interest in the protection which other portions of the Union derive from their peculiar interests. Thus, the aggregate of the prosperity of all is constituted by the sums of the prosperity of each.

Take any one article of the tariff (iron, for example), and there is no such direct interest in its protection, pervading the major part of the United States, as would induce Congress to encourage it, if it stood alone. The States of Pennsylvania, New Jersey, New York, and Kentucky, which are most concerned, are encouraged in the production or manufacture of this article, in consequence of the adoption of a general principle, which extends protection to other interests in other parts of the Union.

The stratagem which has been adopted by the foes of the system, to destroy it, requires the exercise of constant vigilance and firmness, to prevent the accomplishment of the object. They have resolved to divide and conquer—the friends of the system should assume the revolutionary motto of our ancestors, "united we stand, divided we fall." They should allow no alteration in any part of the system, as it now exists, which did not aim at rendering more efficacious the system of protection, on which the whole is founded. Every one should reflect, that it is not equal, to have a particular interest which he is desirous should be fostered, in his part of the country, protected against foreign competition, without his being willing to extend the principle to other interests, deserving protection, in other parts of the Union.

But the measure of reducing the duty on salt and molasses, and reviving the drawback on the importation of spirits distilled from molasses, was an attack on the system, less alarming than another which was made during the last session of Congress, on a kindred system.

If any thing could be considered as settled, under the present Constitution of our government, I had supposed that it was its authority to construct such internal improvements as may be deemed by Congress necessary and proper to carry into effect the power granted to it. For nearly twenty-five years, the power has been asserted and exercised by the government. For the last fifteen years it has been often controverted in Congress, but it has been invariably maintained, in that body, by repeated decisions, pronounced after full and elaborate debate, and at intervals of time implying the greatest deliberation. Numerous laws attest the existence of the power; and no less than twenty-odd laws have been passed in relation to a single work. This power, necessary to all parts of the Union, is indispensable to the West. Without it, this section can never enjoy any part of the benefit of a regular disbursement of the vast revenues of the United States. I recollect perfectly well, that, at the last great struggle for the power, in 1824, Mr. P. P. Barbour, of Virginia, the principal champion against it, observed to me, that if it were affirmed on that occasion (Mr. Hemphill's survey bill), he should consider the question settled. And it was affirmed.

Yet we are told that this power can no longer be exercised without an amendment of the Constitution. On the occasion in South Carolina, to which I have already adverted, it was said, that the tariff and internal improvements are intimately connected, and that the death-blow which it was hoped the one had received, will finally destroy the other. I concur in the opinion, that they are intimately, if not indissolubly, united. Not connected together, with the fraudulent intent which has been imputed, but by their nature, by the tendency of each to advance the objects of the other, and of both to augment the sum of national prosperity.

If I could believe that the executive message, which was communicated to Congress upon the application of the veto to the Maysville road, really expressed the opinion of the President of the United States, in consequence of the unfortunate relations which have existed between us, I would forbear to make any observation upon it. It has his name affixed to it; but it is not every paper which bears the name of a distinguished personage, that is his, or expresses his opinions. We have been lately informed, that the unhappy king of England, in perhaps his last illness, transmitted a paper to Parliament, with his royal signature attached to it, which became an object of great curiosity. Can any one believe, that that paper conveyed any other sentiments than those of his majesty's ministers? It is impossible, that the veto message should express the opinions of the president, and I prove it by evidence derived from himself. Not forty days before that message was sent to Congress, he approved a bill embracing appropriations to various objects of internal improvement, and among others, to improve the navigation of Conneant creek. Although somewhat acquainted with the geography of our country, I declare, I did not know of the existence of such a stream until I read the bill. I have since made it an

object of inquiry, and have been told, that it rises in one corner of Pennsylvania, and is discharged into Lake Erie, in a corner of the State of Ohio; and that the utmost extent to which its navigation is susceptible of improvement, is about seven miles. Is it possible that the president could conceive that a national object, and that the improvement of a great thoroughfare, on which the mail is transported for some eight or ten States and Territories, is not a national consideration? The power to improve the navigation of watercourses, nowhere expressly recognized in the Constitution, is infinitely more doubtful than the establishment of mail roads, which is explicitly authorized in that instrument! Did not the president, during the canvass which preceded his election, in his answer to a letter from Governor Ray, of Indiana, written at the instance of the Senate of that respectable State, expressly refer to his votes given in the Senate of the United States, for his opinion as to the power of the general government, and inform him that his opinion remained unaltered? And do we not find, upon consulting the journals of the Senate, that among other votes affirming the existence of the power, he voted for an appropriation to the Chesapeake and Delaware canal, which is only about fourteen miles in extent? And do we not know, that it was at that time, like the Maysville road now, in progress of execution under the direction of a company incorporated by a State? And that, while the Maysville road had a connection with roads east of Maysville and south-west of Lexington, the turnpiking of which was contemplated, that canal had no connection with any other existing canal?

The veto message is perfectly irreconcilable with the previous acts, votes, and opinions, of General Jackson. It does not express his opinions, but those of his advisers and counselors, and especially those of his cabinet. If we look at the composition of that cabinet, we can not doubt it. Three of the five, who, I believe, compose it (whether the postmaster-general be one or not, I do not know), are known to be directly and positively opposed to the power; a fourth, to use a term descriptive of the favorite policy of one of them, is a non-committal, and as to the fifth, good Lord deliver us from such friendship as his to internal improvements! Further, I have heard it from good authority (but I will not vouch for it, although I believe it to be true), that some of the gentlemen from the South waited upon the president, while he held the Maysville bill under consideration, and told him if he approved of that bill, the South would no longer approve of him, but oppose his administration.

I can not, therefore, consider the message as conveying the sentiments and views of the president. It is impossible. It is the work of his cabinet; and if, unfortunately, they were not practically irresponsible to the people of the United States, they would deserve severe animadversion for having prevailed upon the president, in the precipitation of business, and perhaps without his spectacles, to put his name to such a paper, and send it forth to Congress and to the nation. Why, I have read that paper again

and again; and I never can peruse it without thinking of diplomacy, and the name of Talleyrand, Talleyrand, Talleyrand, perpetually recurring. It seems to have been written in the spirit of an accommodating soul, who, being determined to have fair weather in any contingency, was equally ready to cry out, good Lord, good devil. Are you for internal improvements? you may extract from the message texts enough to support your opinion. Are you against them? the message supplies you with abundant authority to countenance your views. Do you think that a long and uninterrupted current of concurring decisions ought to settle the question of a controverted power? so the authors of the message affect to believe. But ought any precedents, however numerous, to be allowed to establish a doubtful power? the message agrees with him who thinks not.

I can not read this singular document without thinking of Talleyrand. That remarkable person was one of the most eminent and fortunate men of the French Revolution. Prior to its commencement, he held a bishopric under the ill-fated Louis the Sixteenth. When that great political storm showed itself above the horizon, he saw which way the wind was going to blow, and trimmed his sails accordingly. He was in the majority of the Convention, of the National Assembly, and of the party that sustained the bloody Robespierre and his cut-throat successor. He belonged to the party of the consuls, the consul for life, and finally the emperor. Whatever party was uppermost, you would see the head of Talleyrand always high among them, never down. Like a certain dexterous animal, throw him as you please, head or tail, back or belly uppermost, he is always sure to light upon his feet. During a great part of the period described, he was minister of foreign affairs, and although totally devoid of all principle, no man ever surpassed him in the adroitness of his diplomatic notes. He is now, at an advanced age, I believe, grand chamberlain of his majesty, Charles the Tenth.

I have lately seen an amusing anecdote of this celebrated man, which forces itself upon me whenever I look at the cabinet message. The king of France, like our president, toward the close of the last session of Congress, found himself in a minority. A question arose, whether, in consequence, he should dissolve the Chamber of Deputies, which resembles our House of Representatives. All France was agitated with the question. No one could solve it. At length, they concluded to go to that sagacious, cunning old fox, Talleyrand, to let them know what should be done. I tell you what, gentlemen, said he (looking very gravely, and taking a pinch of snuff), in the morning I think his majesty will dissolve the Deputies; at noon I have changed that opinion; and at night I have no opinion at all. Now, on reading the first column of this message, one thinks that the cabinet have a sort of an opinion in favor of internal improvements, with some limitations. By the time he has read to the middle of it, he concludes they have adopted the opposite opinion; and when he gets to

the end of it, he is perfectly persuaded, they have no opinion of their own whatever!

Let us glance at a few only of the reasons, if reasons they can be called, of this piebald message. The first is, that the exercise of the power has produced discord, and, to restore harmony to the national councils, it should be abandoned, or, which is tantamount, the Constitution must be amended. The president is therefore advised to throw himself into the minority. Well—did that revive harmony? When the question was taken in the House of the people's representatives, an obstinate majority still voted for the bill, the objections in the message notwithstanding. And in the Senate, the representatives of the States, a refractory majority, stood unmoved. But does the message mean to assert, that no great measure, about which public sentiment is much divided, ought to be adopted in consequence of that division? Then none can ever be adopted. Apply this new rule to the case of the American Revolution. The colonies were rent into implacable parties—the tories everywhere abounded, and in some places outnumbered the whigs. This continued to be the state of things throughout the revolutionary contest. Suppose some timid, time-serving whig had, during its progress, addressed the public, and, adverting to the discord which prevailed, and the expediency of restoring harmony in the land, had proposed to abandon or postpone the establishment of our liberty and independence, until all should agree in asserting them? The late war was opposed by a powerful and talented party; what would have been thought of president Madison, if, instead of a patriotic and energetic message, recommending it, as the only alternative, to preserve our honor and vindicate our right, he had come to Congress with a proposal that we should continue to submit to the wrongs and degradation inflicted upon our country by a foreign power, because we were, unhappily, greatly divided? What would have become of the settlement of the Missouri question, the tariff, the Indian bill of the last session, if the existence of a strong and almost equal division in the public councils ought to have prevented their adoption? The principle is nothing more nor less than a declaration, that the right of the majority to govern, must yield to the perseverance, respectability, and numbers of the minority. It is in keeping with the nullifying doctrines of South Carolina, and is such a principle as might be expected to be put forth by such a cabinet. The government of the United States, at this juncture, exhibits a most remarkable spectacle. It is that of a majority of the nation having put the powers of government into the hands of the minority. If any one can doubt this, let him look back at the elements of the executive, at the presiding officers of the two Houses, at the composition and the chairmen of the most important committees, who shape and direct the public business in Congress. Let him look, above all, at measures, the necessary consequences of such an anomalous state of things—internal improvements gone, or going; the whole American system threatened, and the triumphant shouts of antici-

pated victory sounding in our ears. Georgia, extorting from the fears of an affrighted majority of Congress an Indian bill, which may prostrate all the laws, treaties, and policy which have regulated our relations with the Indians from the commencement of our government; and politicians in South Carolina, at the same time, brandishing the torch of civil war, and pronouncing unbounded eulogiums upon the president, for the good he has done, and the still greater good which they expect at his hands, and the sacrifice of the interests of the majority.

Another reason assigned in the Maysville message is, the desire of paying the national debt. By an act passed in the year 1817, an annual appropriation was made of ten millions of dollars, which were vested in the commissioners of the sinking fund, to pay the principal and interest of the public debt. That act was prepared and carried through Congress by one of the most estimable and enlightened men that this country ever produced, whose premature death is to be lamented on every account, but especially because, if he were now living, he would be able, more than any other man, to check the extravagance and calm the violence raging in South Carolina, his native State. Under the operation of that act, nearly one hundred and fifty millions of the principal and interest of the public debt were paid, prior to the commencement of the present administration. During that of Mr. Adams, between forty and fifty were paid, while larger appropriations of money and land were made, to objects of internal improvement, than ever had been made by all preceding administrations together. There only remained about fifty millions to be paid, when the present chief magistrate entered on the duties of that office, and a considerable portion of that can not be discharged during the present official term.

The redemption of the debt is, therefore, the work of Congress; the president has nothing to do with it, the Secretary of the Treasury being directed annually to pay the ten millions to the commissioners of the sinking fund, whose duty it is to apply the amount to the extinguishment of the debt. The secretary himself has no more to do with the operation, than the hydrants through which the water passes to the consumption of the population of this city. He turns the cock on the first of January, and the first of July, in each year, and the public treasure is poured out to the public creditor from the reservoir, filled by the wisdom of Congress. It is evident, from this just view of the matter, that Congress, to which belongs the care of providing the ways and means, was as competent as the president to determine what portion of their constituents' money could be applied to the improvement of their condition. As much of the public debt as can be paid, will be discharged in four years by the operation of the sinking fund. I have seen, in some late paper, a calculation of the delay which would have resulted, in its payment, from the appropriation to the Maysville road, and it was less than one week! How has it happened, that, under the administration of Mr. Adams, and during every year of it,

such large and liberal appropriations could be made for internal improvements, without touching the fund devoted to the public debt, and that this administration should find itself baulked in its first year?

The veto message proceeds to insist, that the Maysville and Lexington road is not a national but a local road, of sixty miles in length, and confined within the limits of a particular State. If, as that document also asserts, the power can, in no case, be exercised until it shall have been explained and defined by an amendment of the Constitution, the discrimination of national and local roads, would seem to be altogether unnecessary. What is or is not a national road, the message supposes may admit of controversy, and is not susceptible of precise definition. The difficulty which its authors imagine, grows out of their attempt to substitute a rule founded upon the extent and locality of the road, instead of the use and purposes to which it is applicable. If the road facilitates, in a considerable degree, the transportation of the mail to a considerable portion of the Union, and at the same time promotes internal commerce among several States, and may tend to accelerate the movement of armies, and the distribution of the munitions of war, it is of national consideration. Tested by this, the true rule, the Maysville road was undoubtedly national. It connects the largest body, perhaps, of fertile land in the Union, with the navigation of the Ohio and Mississippi rivers, and with the canals of the States of Ohio, Pennsylvania, and New York. It begins on the line which divides the States of Ohio and Kentucky, and, of course, quickens trade and intercourse between them. Tested by the character of other works, for which the president, as a senator, voted, or which were approved by him only about a month before he rejected the Maysville bill, the road was undoubtedly national.

But this view of the matter, however satisfactory it ought to be, is imperfect. It will be admitted that the Cumberland road is national. It is completed no further than Zanesville, in the State of Ohio. On reaching that point two routes present themselves for its further extension, both national, and both deserving of execution. One leading north-westwardly, through the States of Ohio, Indiana, and Illinois, to Missouri, and the other south-westwardly, through the States of Ohio, Kentucky, Tennessee, and Alabama, to the Gulf of Mexico. Both have been long contemplated. Of the two, the south-western is the most wanted, in the present state of population, and will probably always be of the greatest use. But the north-western route is in process of execution beyond Zanesville, and appropriations toward part of it were sanctioned by the president at the last session. National highways can only be executed in sections, at different times. So the Cumberland road was and continues to be constructed. Of all the parts of the south-western route, the road from Maysville to Lexington is most needed, whether we regard the amount of transportation and traveling upon it, or the impediments which it presents in the winter and

spring months. It took my family four days to reach Lexington from Maysville, in April, 1829.

The same scheme which has been devised and practiced to defeat the tariff, has been adopted to undermine internal improvements. They are to be attacked in detail. Hence the rejection of the Maysville road, the Fredericktown road, and the Louisville canal. But is this fair? Ought each proposed road to be viewed separately and detached? Ought it not to be considered in connection with other great works which are in process of execution, or are projected? The policy of the foes indicates what ought to be the policy of the friends of the power.

The blow aimed at internal improvements has fallen with unmerited severity upon the State of Kentucky. No State in the Union has ever shown more generous devotion to its preservation and to the support of its honor and its interest than she has. During the late war, her sons fought gallantly by the side of the president, on the glorious 8th of January, when he covered himself with unfading laurels. Wherever the war raged, they were to be found among the foremost in battle, freely bleeding in the service of their country. They have never threatened nor calculated the value of this happy Union. Their representatives in Congress have constantly and almost unanimously supported the power, cheerfully voting for large appropriations to works of internal improvements in other States. Not one cent of the common treasure has been expended on any public road in that State. They contributed to the elevation of the president, under a firm conviction, produced by his deliberate acts, and his solemn assertions, that he was friendly to the power. Under such circumstances, have they not just and abundant cause of surprise, regret, and mortification at the late unexpected decision?

Another mode of destroying the system, about which I fear I have detained you too long, which its foes have adopted, is to assail the character of its friends. Can you otherwise account for this spirit of animosity with which I am pursued? A sentiment this morning caught my eye, in the shape of a 4th of July toast, proposed at the celebration of that anniversary in South Carolina, by a gentleman whom I never saw, and to whom I am a total stranger. With humanity, charity, and Christian benevolence, unexampled, he wished that I might be driven so far beyond the frigid regions of the northern zone, that all hell could not thaw me! Do you believe it was against me, this feeble and frail form, tottering with age, this lump of perishing clay that all this kindness was directed? No, no, no. It was against the measures of policy which I have espoused, against the system which I have labored to uphold, that it was aimed. If I had been opposed to the tariff, and internal improvements, and in favor of the South Carolina doctrine of nullification, the same worthy gentleman would have wished that I might be ever fanned by soft breezes, charged with aromatic odors—that my path might be strewed with roses, and my abode be an earthly paradise. I am now a private man, the humblest of

the humble, possessed of no office, no power, no patronage, no subsidized press, no post-office department to distribute its effusions, no army, no navy, no official corps to chant my praises, and to drink, in flowing bowls, my health and prosperity. I have nothing but the warm affections of a portion of the people, and a fair reputation, the only inheritance derived from my father, and almost the only inheritance which I am desirous of transmitting to my children.

The present chief magistrate has done me much wrong, but I have freely forgiven him. He believed, no doubt, that I had done him previous wrong. Although I am unconscious of it, he had that motive for his conduct toward me. But others who had joined in the hue and cry against me, had no such pretext. Why then am I thus pursued, my words perverted and distorted, my acts misrepresented? Why do more than a hundred presses daily point their cannon at me, and thunder forth their peals of abuse and detraction? It is not against me. That is impossible. A few years more, and this body will be where all is still and silent. It is against the principles of civil liberty, against the tariff and internal improvements, to which the better part of my life has been devoted, that this implacable war is waged. My enemies flatter themselves, that those systems may be overthrown by my destruction. Vain and impotent hope! My existence is not of the smallest consequence to their preservation. They will survive me. Long, long after I am gone, while the lofty hills encompass this fair city, the offspring of those measures shall remain; while the beautiful river that sweeps by its walls, shall continue to bear upon its proud bosom the wonders which the immortal genius of Fulton, with the blessings of Providence, has given; while truth shall hold its sway among men, those systems will invigorate the industry, and animate the hopes, of the farmer, the mechanic, the manufacturer, and all other classes of our countrymen.

People of Ohio here assembled—mothers—daughters—sons, and sires, when reclining on the peaceful pillow of repose, and communing with your own hearts, ask yourselves, if I ought to be the unremitting object of perpetual calumny. If, when the opponents of the late president gained the victory on the 4th of March, 1829, the war ought not to have ceased, quarter been granted, and prisoners released? Did not those opponents obtain all the honors, offices, and emoluments of government? the power, which they have frequently exercised, of rewarding whom they pleased, and punishing whom they could? Was not all this sufficient? Does it all avail not, while Mordecai, the Jew, stands at the king's gate?

I thank you, fellow-citizens, again and again, for the numerous proofs you have given me of your attachment and confidence. And may your fine city continue to enjoy the advantages of the enterprise, industry, and public spirit of its mechanics and other inhabitants, until it rises in wealth, extent, and prosperity, with the largest of our Atlantic capitals.

REDUCTION OF DUTIES ON IMPORTS.

IN THE SENATE OF THE UNITED STATES, JANUARY 11, 1832.

[We find Mr. Clay again in Congress, and in the Senate. One of the strongest motives for going there was, doubtless, to save his American System from being damaged by rash legislation, to which it was exposed, not only by hostility to it from the South, but by the willingness of the President of the United States, General Jackson, to do any thing that would annoy Mr. Clay, and detract from his fame. The American System, commenced in 1824, had been immensely beneficial to the country, was well appreciated by the people, and Mr. Clay had all the credit of it. This great fact put him on the shoulders of the American people, and they would throw up their hats for him anywhere. The public debt had been rapidly liquidated, and was now reduced to the small item of twenty-four millions, most of which was provided for the ensuing year. It was clear enough, therefore, that the duties on imports, which were the chief source of revenue, might be reduced, and that this measure was called for. But the principle of reduction was the great question to be settled. The South—especially South Carolina—demanded the demolition of the protective system, which, for the last few years, had been the cause of such great public prosperity, and which Mr. Clay wished to preserve in such a degree as might be necessary for the required revenue and the continued prosperity of the country, both of which objects a proper discrimination in the reduction of duties would effectually secure. But there was the eagle eye of Mr. Calhoun, who believed that the protective system was injurious to the South ; and there was the envious disposition of General Jackson, who studied to impair the popularity of Mr. Clay. These were potent agencies which Mr. Clay foresaw would be brought to bear on his American System, and if possible to break it down. In anticipation of these demonstrations, and foreseeing that duties on imports

must be reduced, for reasons above named, he introduced into the Senate the following resolution :

"Resolved, that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced. And that the committee on finance be instructed to report a bill accordingly."

This resolution he supported by a speech, as follows, opening the debate on the great question, in which he afterward participated in an argument of great length and force, as we shall have occasion to see.]

I HAVE a few observations, Mr. President, and only a few, to submit to the Senate, on the measure now before you, in doing which I have to ask all your indulgence. I am getting old; I feel but too sensibly and unaffectedly the effects of approaching age, and I have been for some years very little in the habit of addressing deliberative assemblies. I am told that I have been the cause—the most unwilling cause, if I have been—of exciting expectations, the evidence of which is around us. I regret it; for, however the subject on which I am to speak, in other hands, might be treated, to gratify or to reward the presence and attention now given in mine, I have nothing but a plain, unvarnished, and unambitious exposition to make.

It forms no part of my present purpose to enter into a consideration of the established policy of protection. Strong in the convictions and deeply seated in the affections of a large majority of the people of the United States, it stands self-vindicated in the general prosperity, in the rich fruits which it has scattered over the land, in the experience of all prosperous and powerful nations, present and past, and now in that of our own. Nor do I think it necessary to discuss that policy on this resolution. Other gentlemen may think differently, and may choose to argue and assail it. If they do, I have no doubt that in all parts of the Senate, members more competent than I am, will be ready to support and defend it. My object now is to limit myself to a presentation of certain views and principles connected with the present financial condition of the country.

A consideration of the state of the public revenue has become necessary in consequence of the near approach of the entire extinction of the public debt; and I concur with you, sir, in believing that no season could be more appropriate than the present session of Congress, to endeavor to make a satisfactory adjustment of the tariff. The public debt chiefly arose out of the late war, justly denominated the second contest for national independence. An act, commonly called the sinking-fund act, was passed by Congress nearly fifteen years ago, providing for its reimbursement. That act was prepared by a friend of yours and mine, and proposed by him,

whose premature death was not a loss merely to his native State, of which he was one of its brightest ornaments, but to the whole nation. No man with whom I ever had the honor to be associated in the legislative councils, combined more extensive and useful information, with more firmness of judgment, and blandness of manner, than did the lamented Mr. Lowndes. And when in the prime of life, by the dispensation of an all-wise Providence, he was taken from us, his country had reason to anticipate the greatest benefits from his wisdom and discretion. By that act an annual appropriation was made, of ten millions of dollars, toward the payment of the principal and interest of the public debt, and also any excess which might yearly be in the treasury, beyond two millions of dollars, which it was thought prudent to reserve for unforeseen exigences.

But this system of regular and periodical application of public revenue to the payment of the public debt, would have been unavailing if Congress had neglected to provide the necessary ways and means. Congress did not, however, neglect the performance of that duty. By various acts, and more especially by the tariff of 1824—the abused tariff of 1824—the public coffers were amply replenished, and we have been enabled to reach our present proud eminence of financial prosperity. After Congress had thus abundantly provided funds, and directed their systematical application, the duty remaining to be performed by the executive was one simply ministerial. And no executive, and no administration, can justly claim for itself any other merit in the discharge of the public debt than that of a faithful execution of the laws; no other merit than that similar one to which it is entitled, for directing a regular payment of what is due from time to time to the army and navy, or to the officers of the civil government for their salaries.

The operation of the sinking-fund act commenced with the commencement of Mr. Monroe's administration. During its continuance, of eight years, in consequence of the embarrassments of the treasury, the ten millions were not regularly applied to the payment of the debt, and upon the termination of that administration the treasury stood largely in arrear to the sinking-fund. During the subsequent administration of four years, not only were the ten millions faithfully applied during each year, but those arrears were brought up, and all previous deficiences made good. So that, when the present administration began, a plain, unincumbered, and well-defined path lay directly before it. Under the measures which have been devised in the short term of fifteen years, the government has paid nearly one hundred millions of principal, and about an equal sum of interest, leaving the small remnant behind of twenty-four millions. Of that amount, thirteen millions consist of three per cent. stock, created by the act of 1790, which the government does not stand bound to redeem at any prescribed time, but which it may discharge whenever it may suit its own convenience, and when it is discharged it must be done by the payment of dollar for dollar. I can not think, and I should suppose Congress can

hardly believe with the Secretary of the Treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent., with a capital of thirteen millions, worth an interest of six per cent. In other words, to take from the pockets of the people two dollars, to pay one in the hands of the stockholder.

The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet, and its integrity in fulfilling, all its engagements. That the resources of this country, increasing, as it constantly is, in population and wealth, are abundantly sufficient to meet any debt, which it may ever prudently contract, can not be doubted. And its punctuality and probity, from the period of the assumption, in 1790, of the debt of the Revolution, down to the present time, rest upon a solid and incontestable foundation. The danger is not, perhaps, that it will not fairly meet its engagements, but that, from an inordinate avidity, arising from temporary causes, it may bring discredit upon itself by improvident arrangements, which no prudent man, in the management of his private affairs, would ever think of adopting.

Of the residue of that twenty-four millions of debt, after deducting the thirteen millions of three per cent., less than two millions are due, and of right payable within the present year. If to that sum be added the moiety which becomes due on the 31st of December next, of the four million four hundred and fifty-four thousand seven hundred and twenty-seven dollars, created by the act of the 26th of May, 1824, we have but a sum of about four millions, which the public creditor can lawfully demand, or which the government is bound to pay in the course of this year. If more is paid, it can only be done by anticipating the period of its payment, and going into the public market to purchase the stock. Can it be doubted that, if you do so, the vigilant holder of the stock, taking advantage of your anxiety, will demand a greater price than its value? Already we perceive that the three per cent. have risen to the extraordinary height of ninety-six per cent. The difference between a payment of the inconsiderable portion remaining of the public debt in one, two, or three years, is certainly not so important as to justify a resort to highly disadvantageous terms.

Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country, most cordially, that it is so near at hand. It is so nearly being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country, by the repeal or reduction of duties, and curtail considerably the public revenue. In making this inquiry, the first question that presents itself is, whether it is expedient to preserve the existing duties in order to accumulate a surplus in the treasury, for the purpose of subsequent distribution among the several States. I think not. If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the cer-

tain loss arising from the charges of collection, and with the loss also of interest while the money is performing the unnecessary circuit, and it would therefore be unwise. If it is to be collected from one portion of the people and given to another, it would be unjust. If it is to be given to the States in their corporate capacity, to be used by them in their public expenditure, I know of no principle in the Constitution that authorizes the federal government to become such a collector for the States, nor of any principle of safety or propriety which admits of the States becoming such recipients of gratuity from the general government.

The public revenue, then, should be regulated and adapted to the proper service of the general government. It should be ample; for a deficit in the public income, always to be deprecated, is sometimes attended, as we know well from history and from what has happened in our own time, with fatal consequences. In a country so rapidly growing as this is, with such diversified interests, new wants and unexpected calls upon the public treasury must frequently occur. Take some examples from this session. The State of Virginia has presented a claim for an amount but little short of a million, which she presses with an earnestness demonstrating her conviction of its justice. The State of South Carolina has also a claim for no inconsiderable sum, being upward of one hundred thousand dollars, which she urges with equal earnestness. The gentleman from Pennsylvania (Mr. Wilkins) has brought forward a claim arising out of French spoliations previous to the convention of 1800, which is perhaps not short of five millions, and to some extent I have no doubt it has a just foundation. In any provision of public revenue, Congress ought so to fix as to admit of the payment of honest and proper demands, which its justice can not reject or evade.

I hope, too, that either in the adjustment of the public revenue, or what would be preferable, in the appropriation of the proceeds of the public lands, effectual and permanent provision will be made for such internal improvements as may be sanctioned by Congress. This is due to the American people, and emphatically due to the western people. Sir, temporary causes may exact a reluctant acquiescence from the people of the West in the suspension of appropriations to objects of internal improvement, but as certain as you preside in that chair, or as the sun performs its diurnal revolution, they will not be satisfied with an abandonment of the policy. They will come here and tell you, not in a tone of menace or supplication, but in the language of conscious right, that they must share with you in the benefits, as they divide with you the burdens and the perils, of a common government. They will say that they have no direct interest in the expenditures for the navy, the fortifications, nor even the army, those greatest absorbents of the public treasure; that they are not indifferent, indeed, to the safety and prosperity of any part of our common country. On the contrary, that every portion of the republic is indirectly, at least, interested in the welfare of the whole, and that they ever sympathize

in the distresses and rejoice in the happiness of the most distant quarter of the Union. And to demonstrate that they are not careless or indifferent to interests not directly their own, they may proudly and triumphantly appeal to the gallant part which they bore in the late war, and point to the bloody fields on which some of their most patriotic sons nobly fell fighting in the common cause. But they will also say, that these paternal and just sentiments ought to be reciprocated by their Atlantic brethren; that these ought not to be indifferent to the welfare of the West, and that they have the same collateral or indirect interest in its success and advancement that the West has in theirs; that it does not ask internal improvements to be confined exclusively to itself, but that it may receive, in common with the rest of the Union, a practical benefit in the only form compatible with its interior condition.

The appropriation of the proceeds of the public lands, or a considerable portion of them, to that object, would be a most natural and suitable disposition. And I do hope, sir, that that great resource will be cherished and dedicated to some national purpose, worthy of the republic. Utterly opposed as I trust Congress will show itself to be, to all the mad and wild schemes—and to that latest, but maddest and wildest of all, recommended by the Secretary of the Treasury—for squandering the public domain, I hope it will be preserved for the present generation and for posterity, as it has been received from our ancestors, a rich and bountiful inheritance. In these halcyon days of peace and plenty and an overflowing treasury, we appear to embarrass ourselves in devising visionary schemes for casting away the bounties with which the goodness of Providence has blessed us. But, sir, the storm of war will come when we know not, the day of trial and difficulty will assuredly come, and now is the time, by a prudent forecast, to husband our resources, and this the greatest of them all. Let them not be hoarded and hugged with a miser's embrace, but liberally used. Let the public lands be administered in a generous spirit; and especially toward the States within which they are situated. Let the proceeds of the sales of the public lands be applied in a season of peace to some great object, and when war does come, by suspending that application of them during its continuance, you will be at once put in possession of means for its vigorous prosecution. More than twenty-five years ago, when first I took a seat in this body, I was told by the fathers of the government, that if we had any thing perfect in our institutions, it was the system for disposing of the public lands, and I was cautioned against rash innovations in it. Subsequent experience fully satisfied me of the wisdom of their counsels, and that all vital changes in it ought to be resisted.

Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imposts, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction

may be effected in various ways, and on different principles. Only three modes shall now be noticed.

First, to reduce duties on all articles in the same ratio, without regard to the principle of protection.

Second, to retain them on the unprotected articles, and augment them on the protected articles. And,

Third, to abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles.

To the first mode there are insuperable objections. It would lead inevitably to the destruction of our home manufactures. It would establish a sort of bed of Procrustes, by which the duties on all articles should be blindly measured, without respect to their nature or the extent of their consumption. And it would be derogatory to every principle of theory or practice on which the government has hitherto proceeded.

The second would be still more objectionable to the foes of the tariff than either of the others. But it can not be controverted, that, by augmenting considerably the duties on the protected class, so as to carry them to the point, or near to the confines, of absolute prohibition, the object in view, of effecting the necessary reduction of the public revenue, may be accomplished without touching the duties on the unprotected class. The consequence of such an augmentation would be, a great diminution in the importation of the foregoing article, and of course in the duties upon it. But against entire prohibition, except perhaps in a few instances, I have been always, and still am, opposed. By leaving the door open to the foreign rival article, the benefit is secured of a salutary competition. If it be hermetically closed, the danger is incurred of monopoly. The third mode is the most equitable and reasonable, and it presents an undebatable ground, on which I had hoped we all could safely tread without difficulty. It exacts no sacrifice of principle from the opponent of the American system, it comprehends none on the part of its friends. The measure before you embraces this mode. It is simple, and free from all complexity. It divides the whole subject of imposts according to its nature. It settles at once what ought not to be disputed, and leaves to be settled hereafter, if necessary, what may be controverted.

A certain part of the South has hitherto complained, that it pays a disproportionate amount of the imposts. If the complaint be well founded, by the adoption of this measure it will be relieved at once, as will be hereafter shown, from at least a fourth of its burdens. The measure is in conformity with the uniform practice of the government from its commencement, and with the professions of all the eminent politicians of the South until of late. It assumes the right of the government, in the assessment of duties, to discriminate between those articles which sound policy requires it to foster and those which it need not encourage. This has been the invarible principle on which the government has proceeded, from the act of Congress of the 4th of July, 1789, down to the present

time. And has it not been admitted by almost every prominent southern politician? Has it not even been acknowledged by the fathers of the free-trade church, in their late address promulgated from Philadelphia to the people of the United States? If we never had a system of foreign imposts, and were now called upon for the first time to originate one, should we not discriminate between the objects of our own industry and those produced by foreigners? And is there any difference in its application between the modification of an existing system and the origination of a new one? If the gentlemen of the South, opposed to the tariff, were to obtain complete possession of the powers of government, would they hazard their exercise on any other principle? If it be said that some of the articles that would by this measure be liberated from duties, are luxuries, the remark is equally true of some of the articles remaining subject to duties. In the present advanced stage of civilization and comfort, it is not easy to draw the line between luxuries and necessaries. It will be difficult to make the people believe that bohea tea is a luxury, and the article of fine broadcloth is a necessary, of life.

In stating that the duties on the protected class ought to be retained, it has been far from my wish to preclude inquiry into their adequacy or propriety. If it can be shown that in any instance they are excessive or disproportionately burdensome on any section of the Union, for one, I am ready to vote for their reduction, or modification. The system contemplates an adequate protection; beyond that, it is not necessary to go. Short of that, its operation will be injurious to all parties.

The people of this country, or a large majority of them, expect that the system will be preserved. And its abandonment would produce general surprise, spread desolation over the land, and occasion as great a shock as a declaration of war forthwith against the most powerful nation of Europe.

But if the system be preserved, it ought to be honestly, fairly, and faithfully enforced. That there do exist the most scandalous violations of it, and the grossest frauds upon the public revenue in regard to some of the most important articles, can not be doubted. As to iron, objects really belonging to one denomination to which a higher duty is attached, are imported under another name, to which a lower duty is assigned, and thus the law is evaded. False invoices are made as to woolens, and the classifications into minimums is constantly eluded. The success of the American manufacture of cotton bagging has been such that, by furnishing a better and cheaper article, the bagging of Inverness and Dundee has been almost excluded from the consumption of the States bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the western States to the southern Atlantic States, which have therefore been almost exclusively supplied from the Scottish manufactories. The payment of the duty is evaded by the introduction of the foreign fabric, under the name of burlops, or some other mercantile phrase, and instead of paying

five cents the square yard, it is entered with a duty of only fifteen per centum *ad valorem*. That this practice prevails, is demonstrated by the treasury report of the duties accruing on cotton bagging for the years 1828, 1829–30. During the first year the amount was one hundred and thirty-seven thousand five hundred and six dollars; the second, one hundred and six thousand and sixty-eight dollars; and the third it sank down to fourteen thousand one hundred and forty-one dollars.

The time has arrived when the inquiry ought to be seriously made, whether it be not practicable to arrest this illegitimate course of trade, and secure the faithful execution of the laws. No time could be more suitable than that at which it is contemplated to make a great reduction of the public revenue. Two radical changes have presented themselves to my mind, and which I will now suggest for consideration and investigation. On such a subject I would, however, seek from the mercantile community and practical men all the light which they are so capable of affording, and should be reluctant to act on my own convictions, however strong.

The first is, to make a total change in the place of valuation. Now the valuation is made in foreign countries. We fix the duties, and we leave to foreigners to assess the value on articles paying *ad valorem* duties. That is, we prescribe the rule, and leave the execution of it to the foreigner. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article, subject to an *ad valorem* duty, may be affected as much by the fixation of the value as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the ascertainment of the value, and leave to the foreigner to prescribe the duty, as it is to reserve to ourselves the right to declare the duty and allow to him the privilege to assess the value.

The effect of this vicious condition of the law has been to throw almost the whole import trade of the country, as to some important articles, into the hands of the foreigner. I have been informed that seven eighths of the importations of woolens into the port of New York, where more is received than in all the other ports of the United States together, are in his hands. This has not proceeded from any want of enterprise, intelligence, or capital, on the part of the American merchant; for in these particulars he is surpassed by the merchant of no country. It has resulted from his probity, his character, and his respect to the laws and institutions of his country—a respect which does not influence the foreigner. I am aware it is made, by law, the duty of the appraiser to ascertain the value of the goods in certain cases. But what is his chief guide. It is the foreign invoice, made by whom he knows not; certainly by no person responsible to our laws. And if its fairness be contested, they will bring you cart-loads of certificates and affidavits, from unknown persons, to verify its exactness and the first cost of the article.

Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficient remedy; and no other appears to me but that

of taking into our own hands both parts of the operation—the ascertainment of the value as well as the duty to be paid on the goods. If it be said that we might have in different ports different rules, the answer is, that there could be no diversity greater than that to which we are liable, from the fact of the valuation being now made in all the ports of foreign countries from which we make our importations. And that it is better to have the valuations made by persons responsible to our own government, and regulated by one head, than by unknown foreigners standing under no responsibility whatever to us. The other change to which I allude is, to reduce the credits allowed for the payment of duties, and to render them uniform. It would be better, if not injurious to commerce, to abolish them altogether. Now we have various periods of credit, graduated according to the distance of the foreign port and the nature of the trade. These credits operate as so much capital, on which the foreign merchant can sometimes make several adventures before the day of payment arrives. There is no reciprocal advantage afforded to the American merchant, I believe, in any foreign port. As we shall probably abolish, or greatly reduce the duties on all articles imported beyond the Cape of Good Hope, on which the longest credits are allowed, the moment would seem to be propitious for restricting the other credits in such manner, that while they afforded a reasonable facility to the merchant, they should not supply the foreigner, at the instance of the public, with capital for his mercantile operations. If the laws can be strictly enforced, and some such alterations as have been suggested can be carried into effect, it is quite probable that a satisfactory reduction may be made on some of the articles falling within the system of protection. And without impairing its principle, other modes of relief may probably be devised to some of those interests upon which it is suffered to press most heavily.

There remains one view to present to the Senate, in respect to the amount of reduction of the revenue which will be produced by the proposed measure if adopted, and its influence upon the payment of the public debt within the time suggested by the Secretary of the Treasury. The estimate which I have made of that amount, is founded upon treasury returns prior to the late reduction of duties on tea, coffee, and cocoa. Supposing the duties on wines and silks to be reduced as low as I think they may be, the total amount of revenue with which the proposed measure will dispense, will be about seven millions of dollars. The Secretary of the Treasury estimates the receipts of the present year, from all sources, at thirty millions one hundred thousand dollars; and he supposes those of the next year will be of an equal amount. He acknowledges that the past year has been one of extraordinary commercial activity, but on what principles does he anticipate that the present will also be? The history of our commerce demonstrates that it alternates, and that a year of intemperate speculation, is usually followed by one of more guarded importation. That the importations of the last year have been excessive, I believe

is generally confessed, and is demonstrated by two unerring facts. The first is, that the imports have exceeded the exports, by about seventeen millions of dollars. Whatever may be the qualifications to which the theory of the balance of trade may be liable, it may be safely affirmed that when the aggregate of the importations from all foreign countries exceeds the aggregate of the exportations to all foreign countries, considerably, the unfavorable balance must be made up by a remittance of the precious metals to some extent. Accordingly we find the existence of the other facts to which I allude, the high price of bills of exchange on England. It is, therefore, fairly to be anticipated, that the duties accruing this year will be less in amount than those of the past year. And I think it would be unwise to rely upon our present information, as to the income of either of these two years, as furnishing a safe guide for the future. The years 1829–30 will supply a surer criterion. There is a remarkable coincidence in the amount of the receipts into the treasury during those two years, it having been the first, from all sources, twenty-four million eight hundred and twenty-seven thousand six hundred and twenty-seven dollars and thirty-eight cents, and the second, twenty-four million eight hundred and forty-four thousand one hundred and sixteen dollars and fifty-one cents, differing only about seventeen thousand dollars.

The mode recommended by the secretary for the modification of the tariff is, to reduce no part of the duties on the unprotected articles prior to March, 1833, and then to retain a considerable portion of them. And as to the protected class, he would make a gradual but prospective reduction of the duties. The effect of this would be to destroy the protecting system, by a slow but certain poison. The object being to reduce the revenue, every descending degree in the scale of his plan of gradual reduction, by letting in more of the foreign article to displace the domestic rival fabric, would increase the revenue, and create the necessity for further and further reduction of duties, until they would be carried so low as to end in the entire subversion of the system of protection.

For the reasons which have been assigned, it would, I think, be unwise in Congress at this time to assume for the future, that there would be a greater amount of net annual revenue from all sources, including the public lands, than twenty-five millions of dollars. Deducting from that sum the amount of seven millions of dollars, which it has been supposed ought to be subtracted, if the resolution before you should be adopted, there would remain eighteen millions of dollars, as the probable revenue for future years. This includes the sum of three millions of dollars, estimated as the future annual receipt from the sale of the public lands—an estimate which I presume will be demonstrated by experience to be much too large.

If a reduction so large as seven millions be made at this session, and if the necessary measures be also adopted to detect and punish frauds, and insure a faithful execution of the laws, we may safely make a temporary

pause, and await the development of the effect of these arrangements upon the revenue. That the authority of the laws should be vindicated, all ought to agree. Now the fraudulent importer, after an exposure of his fraud, by a most strange treasury construction of the law (made, I understand, however, not by the present secretary), eludes all punishment, and is only required to pay those very duties which he was originally bound for, but which he dishonestly sought to evade. Other measures, with a view to a further reduction of the revenue, may be adopted. In some instances there might be an augmentation of duties for that purpose. I will mention the article of foreign distilled spirits. In no other country upon earth is there so much of the foreign article imported as in this. The duties ought to be doubled, and the revenue thereby further reduced from a million of dollars to six hundred thousand. The public morals, the grain-growing country, the fruit-raising and the cane-planting country, would be all benefited by rendering their duty prohibitory. I have not proposed the measure, because it ought to originate, perhaps in the other House.

That the measure which I have proposed may be adopted, without interfering with the plan of the Secretary of the Treasury for the payment of the public debt by the 4th of March next, I will now proceed to show. The secretary estimates that the receipts of the present year, after meeting all other just engagements, will leave a surplus of fourteen millions of dollars, applicable to the payment of the principal of the debt. With this sum, eight millions of dollars, which he proposes to derive from the sale of the bank stock, and two millions of dollars, which he would anticipate from the revenue of the next year, he suggests that the whole of the debt remaining, may be discharged by the time indicated. The fourteen millions, I understand (although on this subject the report is not perfectly explicit), are receipts anticipated this year, from duties which accrued last year. If this be the secretary's meaning, it is evident that he wants no part of the duties which may accrue during the current year, to execute his plan. But if his meaning be, that the fourteen millions will be composed, in part of duties accruing and payable within the present year, then the measure proposed might prevent the payment of the whole of the remnant of the debt by the exact day which has been stated. If, however, the entire seven millions embraced by the resolution on your table were subtracted from the fourteen, it would still leave him seven millions, besides the bank stock to be applied to the debt, and that, of itself, would be three millions more than can be properly applied to the object in the course of this year, as I have already endeavored to show.

I came here, sir, most anxiously desiring that an arrangement of the public revenue should be made, which, without sacrificing any of the great interests of the country, would reconcile and satisfy all its parts. I thought I perceived, in the class of objects not produced within the country, a field on which we could all enter, in a true and genuine spirit of compromise

and harmony, and agree upon an amicable adjustment. Why should it not be done? Why should those who are opposed to the American system, demand of its friends an unconditional surrender? Our common object should be, so to reduce the public revenue as to relieve the burdens of the people, if the people of this country can be truly said to be burdened. The government must have a certain amount of revenue, and that amount must be collected from the imposts. Is it material to the consumer, wherever situated, whether the collection be made upon a few, or many objects, provided, whatever be the mode, the amount of his contribution to the public exchequer remains the same? If the assessment can be made on objects which will greatly benefit large portions of the Union, without injury to him, why should he object to the selection of those objects? Yes, sir, I came here in a spirit of warm attachment to all parts of our beloved country, with a lively solicitude to restore and preserve its harmony, and with a firm determination to pour oil and balm into existing wounds, rather than further to lacerate them. For the truth and sincerity of these declarations, I appeal to Him whom none can deceive. I expected to be met by corresponding dispositions, and hoped that our deliberations, guided by fraternal sentiments and feelings, would terminate in diffusing contentment and satisfaction throughout the land. And that such may be the spirit presiding over them, and such their issue, I yet most fervently hope.

ON MR. VAN BUREN'S NOMINATION AS MINISTER TO ENGLAND.

IN THE SENATE, JANUARY 24, 1832.

[DOUBTLESS there was just cause, as shown in the following speech, of dissatisfaction in the Senate and in the country, to this nomination of Mr. Van Buren to the Court of St. James; but was it expedient for the Senate to reject it? The sequel showed, that this act of rejection made Mr. Van Buren vice-president first, and president next. General Jackson's power over the minds of the majority of the American people, was irresistible, and the opposition of the Senate in this case, probably augmented that power. That Mr. Clay, Mr. Calhoun, and others, opponents of this nomination, should not have foreseen a result of this kind, or adopted a policy based upon it, must be ascribed, one would think, to the single purpose of doing present justice to the nominee, rather than of regarding consequences. The Senate were equally divided in this vote, and the rejection of Mr. Van Buren required the casting vote of the vice-president, Mr. Calhoun, which was given. The injunction of secrecy having been removed, the speeches and votes of this executive session of the Senate were all made public, and afterward used, with great effect, by the Jackson party, to advance the interest of Mr. Van Buren, first as candidate, this very year, 1832, for the vice-presidency, and afterward, 1836, as candidate for the presidency, in both of which he was successful. With the majority of the American people, this opposition of the Senate was not ascribed to patriotic motives, but to a spirit of revenge. Mr. Calhoun, who gave the casting vote, certainly had reasons for revenge; for Mr. Van Buren had ruined all his chances for the succession, by disclosing to General Jackson the fact, that he (Mr. Calhoun), while a member of Mr. Monroe's cabinet, had moved a censure on General Jackson, for his conduct of the Seminole War, and it is quite probable that this state of personal feeling had an influence in producing Mr. Cal-

noun's casting vote against Mr. Van Buren. It would almost seem morally impossible that it should be otherwise.

As to the grounds of Mr. Clay's opposition, they are presented in the following speech, in a manly and statesman-like manner, and no one can fail to appreciate their strength. But still one can not but feel that he might as well have passed over the matter in silence, and allowed Mr. Van Buren to stay in London. But as Mr. Clay did not study expediency, personal to himself, in his speech on the Seminole war, so neither did he do it in this case. He was not the man to do it in any case. With him it was simply a question of truth and of patriotic duty, though he might, and in this instance we think he did, partly misjudge. Mr. Van Buren doubtless had talent enough for the mission to London, and it was not likely that he would there prove so unpatriotic as Mr. Clay has demonstrated in his speech that he did while acting as Secretary of State. It was simply a question, whether Mr. Van Buren's rejection would open a wider door for what Mr. Clay would regard as his pernicious influence at home. The decision of the Senate opened that door most effectually. Mr. Van Buren was rejected; he came home; and was immediately put in nomination and elected as vice-president. Next he succeeded to the presidency, and in 1840, having run down the commercial prosperity of the country to the lowest ebb by his policy, he was superseded by the election of General Harrison. The Senate of the United States, by rejecting him as minister to London, gave him full sweep at home, till the people arrested his career.]

Mr. President—I regret that I find myself utterly unable to reconcile with the duty I owe to my country a vote in favor of this nomination. I regret it, because in all the past strife of party the relations of ordinary civility and courtesy were never interrupted between the gentleman whose name is before us and myself. But I regard my obligations to the people of the United States, and to the honor and character of their government, as paramount to every private consideration. There was no necessity known to us for the departure of this gentleman from the United States, prior to the submission of his name to the Senate. Great Britain was represented here by a diplomatic agent, having no higher rank than that of a chargé des affaires. We were represented in England by one of equal rank; one who had shed luster upon his country by his high literary character, and of whom it may be justly said, that in no respect was he inferior to the gentleman before us. Although I shall not controvert the right of the president, in an extraordinary case, to send abroad a public minister

without the advice and consent of the Senate, I do not admit that it ever ought to be done without the existence of some special cause, to be communicated to the Senate. We have received no communication of the existence of any such special cause. This view of the matter might not have been sufficient alone to justify a rejection of this nomination; but it is sufficient to authorize us to examine the subject with as perfect freedom as we could have done if the minister had remained in the United States, and awaited the decision of the Senate. I consider myself, therefore, not committed by the separate and unadvised act of the president in despatching Mr. Van Buren in the vacation of the Senate, and not a very long time before it was to assemble.

My main objection to the confirmation of his appointment arises out of his instructions to the late minister of the United States at the court of Great Britain. The attention of the Senate has been already called to parts of those instructions, but there are other parts of them, in my opinion, highly reprehensible. Speaking of the colonial question, he says, "in reviewing the events which have preceded, and more or less contributed, to a result so much to be regretted, there will be found three grounds, on which we are most assailable. First, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies." * * * "And, thirdly, in omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our government. * * * You will, therefore, see the propriety of possessing yourself of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced." And after reproaching the late administration with setting up claims and for the first time, which they explicitly abandoned, he says, in conclusion, "I will add nothing as to the impropriety of suffering any feelings, that find their origin in the past pretensions of this government, to have adverse influence upon the present conduct of Great Britain."

On our side, according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but claims and pretensions. The British government asserted, on the other hand, a clear and incontestable right. We erred in too tenaciously and too long insisting upon our pretensions, and not yielding at once to the force of their just demands. And Mr. McLane was commanded to avail himself of all the circumstances in his power to mitigate our offense, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence toward the American party now in power. Sir, was this becoming language from one independent nation to another? Was it proper, in the mouth of an American minister? Was it it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary

the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

Let us examine a little those pretensions which the American government so unjustly put forward, and so pertinaciously maintain. The American government contended, that the produce of the United States ought to be admitted into the British West Indies, on the same terms as similar produce of the British American continental possessions; that without this equality our produce could not maintain in the British West Indies a fair competition with the produce of Canada, and that British preference given to the Canadian produce in the West Indies would draw from the western part of New York, and the northern part of Ohio, American produce into Canada, aggrandizing Montreal and Quebec, and giving employment to British shipping, to the prejudice of the canals of New York, the port of New York, and American shipping.

This was the offense of the American government, and we are at this moment realizing the evils which it foresaw. Our produce is passing into Canada, enriching her capitals, and nourishing British navigation. Our own wheat is transported from the western part of New York into Canada, there manufactured, and then transported in British ships in the form of Canadian flour. We are thus deprived of the privilege even of manufacturing our own grain. And when the produce of the United States, shipped from the Atlantic ports, arrives at the British West Indies, it is unable, in consequence of the heavy duties with which most of it is burdened, to sustain a competition with British or colonial produce, freely admitted.

The general rule may be admitted, that every nation has a right to favor its own productions, by protecting duties, or other regulations; but, like all general rules, it must have its exceptions. And the relation in which Great Britain stands to her continental and West India colonies, from which she is separated by a vast sea, and the relations in which the United States stand to those colonies, some of which are in juxtaposition with them, constitute a fit case for such an exception.

It is true, that the late administration did authorize Mr. Gallatin to treat with Great Britain on the basis of the rule which has been stated, but it was with the express understanding, that some competent provision should be made in the treaty to guard against the British monopoly of the transportation of our own produce passing through Canada. Mr. Gallatin was informed, "that the United States consent to the demand which they have heretofore made of the admission of their productions into British colonies, at the same and no higher rate of duty as similar productions are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorell."

There was no abandonment of our right, no condemnation of the previous conduct of our government, no humiliating admission, that we had put forth and too tenaciously clung to unsustainable pretensions, and that Great Britain had all along been in the right. We only forbore for the

present to assert a right, leaving ourselves at liberty subsequently to resume it. What Mr. Gallatin was authorized to do was, to make a temporary concession, and it was proposed with this preliminary annunciation: "But, notwithstanding, on a full consideration of the whole subject, the president, anxious to give a strong proof to Great Britain of the desire of the government of the United States to arrange this long-contested matter of the colonial intercourse in a manner mutually satisfactory, authorizes you," etc. And Mr. Gallatin was required "to endeavor to made a lively impression on the British government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer, and of their expectation to meet, in the progress of the negotiations, with a corresponding friendly disposition."

Now, sir, keeping sight of the object which the late Secretary of State had in view, the opening of the trade with the British colonies, which was the best mode to accomplish it—to send our minister to prostrate himself as a suppliant before the British throne, and to say to the British king, we have offended your majesty! the late American administration brought forward pretensions which we can not sustain, and they too long and too tenaciously adhered to them! your majesty was always in the right; but we hope that your majesty will be graciously pleased to recollect, that it was not we who are now in possession of the American power, but those who have been expelled from it, that wronged your majesty, and that we, when out of power, were on the side of your majesty; and we do humbly pray, that your majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of Parliament of 1825, and to grant us the boon of a trade with your majesty's West India colonies—or to have presented himself before the British monarch in the manly and dignified attitude of a minister of this republic, and, abstaining from all condemnation or animadversion upon the past conduct of his own government, to have placed the withdrawal of our former demand upon the ground of concession in a spirt of amity and compromise?

But the late Secretary of State, the appointed organ of the American people to vindicate their rights with all foreign powers, and to expose the injustice of any unfounded demands which they might assert, was not content to exert his own ingenuity to put his own country in the wrong, and the British government in the right. He endeavored to attach to the late administration the discredit of bringing forward unfounded pretensions, and by disclaiming them, to propitiate the favor of the British king. He says that the views of the present administration upon the subject of the colonial trade "have been submitted to the people of the United States, and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient, that the claims set up by them, and what caused the interruption of the trade in question,

have been explicitly abandoned by those who first asserted them, and are not revived by their successors." The late Secretary of State—the gentleman under consideration—here makes the statement, that the late administration were the first to set up the claims to which he refers. Now, under all the high responsibility which belongs to the seat which I occupy, I deliberately pronounce that this statement is untrue, and that the late Secretary either must have known it to be untrue, or he was culpably negligent of his duty in not ascertaining what had been done under prior administrations. I repeat the charge, the statement must have been known to be untrue, or there was culpable negligence. If it were material, I believe it could be shown that the claim in question—the right to the admission into the British West Indies of the produce of the United States upon an equal footing with similar produce of the British continental colonies—is coeval with the existence of our present Constitution, and that whenever the occasion arose for asserting the claim, it was asserted. But I shall go no further back than to Mr. Madison's administration. Mr. Monroe, the then Secretary of State, instructed our then minister at London upon this subject. He negotiated with Lord Castlereagh in respect to it, and this very claim prevented an adjustment at that time of the colonial question. It was again brought forward under Mr. Monroe's administration, when Mr. Rush was our minister at London. He opened a long and protracted negotiation upon this and other topics, which was suspended in the summer of 1824, principally because the parties could not agree on any satisfactory arrangement of this very colonial question.

Thus, at least, two administrations prior to that of Mr. Adams' had brought forward this identical claim or pretension, which his was the first to assert, according to the late Secretary of State.

The next charge which the late Secretary of State—the official defender of the rights of the American people—preferred against his own government, was that of "omitting to accept the terms offered by the act of Parliament, of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our government." Never was there a more unfounded charge brought forward by any native against his own government, and never was there a more unwarrantable apology set up for a foreign government; and a plain, historical narrative, will demonstrate the truth of both these propositions.

It has been already stated that the negotiation of Mr. Rush, embracing the precise colonial claim under consideration, was suspended in 1824, with an understanding between the two governments, that it was to be resumed on all points at some future convenient period. Early in July, 1825, neither government having then proposed a resumption of the negotiation, the British Parliament passed an act to regulate the colonial trade with foreign powers. This act was never, during the late administration, either at London or Washington, officially communicated by the British to the American government, and we only obtained it through other channels. Now

if it had been the purpose of the British government, by the passage of that act, to withdraw the colonial question from the negotiation, it ought to have communicated that purpose to this government, and at the same time the act of Parliament as supplanting and substituting the negotiation. But it never did communicate such purpose. The act itself did not specifically embrace the United States, and offered terms, which, upon the face of the act, it was impossible for the United States to accede to. It required, for example, that, to entitle powers not possessing colonies, to the benefit of the act, they must place the navigation and commerce of Great Britain upon the footing of the most favored nations. To have done this, would have admitted British shipping to import into the United States, on the same conditions with native shipping, the productions of any quarter of the globe, without a reciprocal liberty, on the part of the shipping of the United States, in British ports. The act itself was differently construed in different colonial ports of Great Britain, and an order of the local government of Halifax closing that port against our vessels from the 5th of January, was subsequently revoked, thereby confirming the impression that the act of Parliament was not intended to dispense with the previous negotiation. And to conclude this part of the narrative, as late as the 20th of October, 1826, Mr. Vaughan, the British minister, upon being interrogated by the then Secretary of State, was totally uninstructed to afford any information as to the meaning or intent of the act of July, 1825.

Meantime, in March, more than six months after the passage of the act of Parliament, Mr. Vaughan notified the Department of State that he had "received instructions from his majesty's government, to acquaint you that it is preparing to proceed to the important negotiations between that country and the United States, now placed in the hands of the American minister, in London." * * * "The negotiations will therefore be forthwith resumed." * * * Here the negotiations were spoken of without exception of the colonial question, the most important of them. If it had been intended to withdraw that, no time could have been more suitable to announce that intention, but no such annunciation was made. Mr. Vaughan was informed that we also would prepare for the negotiation (including, of course, the colonial question), and Mr. Gallatin was accordingly shortly after sent out, with full powers and instructions, amicably to settle that question. On his arrival in England, in the summer of 1826, he was told by the British government that they would not negotiate on the colonial question; that they had made up their mind, from the passage of the act of July, 1825, not to negotiate about it; and he was informed by the sarcastic Mr. Canning, that as we had failed to accept the boon which the British government had then offered, we were then too late!

Such is the state of the case on which the late Secretary of State so authoritatively pronounces judgment against his own government, for "omitting to accept the terms offered by the act of Parliament of July, 1825!" He adds, indeed, "after the subject had been brought before

Congress, and deliberately acted upon by our government." It was brought before Congress in the session of 1825–6, not at the instance of the American executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland (Mr. Smith), and Mr. Gallatin was informed that if the bill proposed by that gentleman had been passed, it would have been unsatisfactory to the British government.

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription, for the exercise of the elective franchise, in the government of the United States. I understand that it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the secretaries to apply that system to the dismission of clerks in his department, known to me to be highly meritorious, and among them one who is now a representative in the other House. It is a detestable system, drawn from the worst periods of the Roman republic, and if it were to be perpetuated—if the offices, honors, and dignities of the people were to be put up to a scramble, and to be decided by the results of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

Sir, the necessity under which we are placed is painful. But it is no fault of the Senate, whose consent and advice are required by the Constitution, to consummate this appointment, that the minister has been sent out of the United States without their concurrence. I hope that the public will not be prejudiced by his rejection, if he should be rejected. And I feel perfectly assured, that if the government to which he has been deputed, shall learn that he has been rejected, because he has there, by his instructions to Mr. McLane, stained the character of our country, the moral effect of our decision will greatly outweigh any advantages to be derived from his negotiations, whatever they may have been intended to be.

ON THE AMERICAN SYSTEM.

IN SENATE, FEBRUARY 2, 3, & 6, 1832.

[THE resolution of Mr. Clay, of January 11, for the reduction of duties on imports, being still under debate in the Senate after having listened to all that had been said on the subject in the mean time, Mr. Clay commenced, on the 2d of February 1832, what may be called his great speech in defense of the American System, which he continued for three successive days. Considering the state of the science of Public Economy, as then existed, this is the most powerful argument that had ever been made. But it is not too much to say that the science of Public Economy has made a great stage of advance since the date of this speech, and that, if Mr. Clay had then been in possession of the propositions which constitute this improvement, he would have been able to make his argument, clear and forcible as it is, far more clear and conclusive. He would then have applied the theory of the science in its present state, to the facts which he so abundantly adduced, to establish it. The new propositions are as follows : *That so long as protective duties are not prohibitory, they are not a tax on consumers, but they diminish prices; and when the duties are prohibitory only because of domestic competition, they are still not taxes on consumers, but reduce prices.* The first of these propositions is the main one and perhaps the most important, though both are important, and based on the same principle.

The advantage of science is, that it presents propositions in form, which settle controversy, where controversy may have existed. Sir Isaac Newton's propositions touching the laws of gravitation, have never been controverted, and never can be, because they are strictly scientific. Having ascertained the laws which uniformly produce certain results, he reduced those laws to form, which constitutes the science. Mr. Clay dealt only with facts, and his facts abundantly proved the propositions of the science above stated ; but neither he nor any body else had at

that time reduced these propositions to form, or set up the theory which they announce. Mr. Clay was even accustomed to admit, that duties were in all cases a tax on consumers, though he proved the contrary, as the following speech will show. He proved that the American System had so reduced the prices of articles subject to duty, and enhanced the demand for the agricultural products of this country, as to have relieved the people from an immense burden, and put them forward in an unexampled career of prosperity; but he never thought that this result was owing entirely to the truth of the propositions above stated, as parts of a science. Triumphant as he was in his argument, by the statement of his facts, yet, if he had been prepared to lay down these propositions first, he would have walked from the field on ground as firm as that which Sir Isaac Newton trod upon when he propounded his theory of gravitation.

Assuming that Mr. Clay has proved the truth of these propositions in his speech—as he undoubtedly has—let us see how trade operates to produce this result. The moment when a protective duty encourages the American producer to come into the field of competition against the foreign producer, the two parties are rivals in the same market, and both will sell to consumers as low as they can, and make a fair profit. As Mr. Clay has shown, the prices are reduced. The reason of this lies in the fact that, while the foreign producer had the monopoly of the American market, he could have his own price, with a profit often immensely great. He can, therefore, afford to reduce his prices, and still make a fair profit; and just so long as he continues to bring his product to the American market, in competition with the American producer, it is morally certain that prices have been reduced. It will be seen, therefore, that the protective duty is not only not a tax on the consumer, but a positive benefit to him, to the amount of the reduction of prices. The theory, therefore, so long maintained, that protective duties are taxes on consumers, is exploded by these propositions, and by the facts which establish them. And yet this theory, so utterly false, was permitted to rule in the formation of the tariff of 1846!

The first proposition of the science of Public Economy on this point, as it now stands, and as stated above, is, that protective duties, when not prohibitory, are not taxes on consumers, but reduce prices. Facts prove it, and the explanation of the result is found in the considerations which always govern trade.

The foreign producer will continue to send his wares to the American market so long as he can make a profit; and not only the protective duty, but the reduction of price beyond that, both come out of the former profits of the foreign producer. The American consumer is not taxed, but gets the same article at a lower price. This is an inevitable result of the laws of trade.

Further: when the foreign producer can no longer afford to bring his wares to the American market, by reason of this competition, and of this reduction of prices, and the protective duty becomes prohibitory in its operation, it is still in favor of the American consumer. He is not taxed, but benefited, so long as the prohibition arises from home competition against the foreign producer. If the duty be imposed expressly for prohibition, it may be a tax on consumers, and probably will be so, until a domestic competition shall have reduced prices to the amount of the duty. Then evidently the duty is no longer a tax.

It is enough, however, that protective duties, which are not prohibitory, are not taxes.]

In one sentiment, Mr. President, expressed by the honorable gentleman from South Carolina (General Hayne), though perhaps not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate, involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the Union; the other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one State, or seven States only, but of the whole Union. And never before have I felt, more intensely, the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have, to lament my want of those intellectual powers, the possession of which might enable me to unfold to this Senate and to illustrate to this people great truths, intimately connected with the lasting welfare of my country. I should, indeed, sink, overwhelmed and subdued, beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have espoused, and by a persuasion, I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago, it was my painful duty to present to the other House of Congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed, and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were everywhere made of real estate; that stop laws, and relief laws, and paper money were adopted, to save the people from impending destruction; that a deficit in the public revenue existed, which compelled government to seize upon, and divert from its legitmate object, the appropriations to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. *In short, sir, if I were to select any term of seven years since the adoption of the present Constitution which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of* 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. *If the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of* 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted, first, the ruin of the public revenue, and the creation of a necessity to resort to direct taxation; the gentleman from South Carolina (General

Hayne), I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars; secondly the destruction of our navigation; thirdly, the desolation of commercial cities; and, fourthly, the augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed, utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an example, the condition of the largest and most commercial of all of them, the great northern capital. I have, in my hands, the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, fifty-seven million seven hundred and ninety-nine thousand four hundred and thirty-five dollars, and, after various fluctuations in the intermediate period, it settled down at fifty-two million nineteen thousand seven hundred and thirty dollars, exhibiting a decrease, in seven years, of five million seven hundred and seventy-nine thousand seven hundred and five dollars. During the first year, of 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of ninety-five million seven hundred and sixteen thousand four hundred and eighty-five dollars! Now, if it be said, that this rapid growth of the city of New York was the effect of foreign commerce, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce, and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade can not be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce in turn nourishing the domestic industry. Nowhere more than in New Yoak is the combination of both principles so completely developed. In the progress of my argument, I will consider the effect upon the price of commodities produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, actually happened.

While we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfillment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other House, in support of the tariff, and to which, otherwise, I should not have particularly referred.

But I would ask any one, who can now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system, to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most early pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of their public debt with the destruction of the protection of their industry against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subvervion of the American system, and an exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

> "Of that forbidden tree whose mortal taste
> Brought death into the world, and all our woe,
> With loss of Eden."

If the system of protection be founded on principles erroneous in theory, pernicious in practice, above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron-founderies, our woolen, cotton, and hemp manufactories, and our sugar plantations. The destruction of these would, undoubtedly, lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure nor produce greater effect upon the whole system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art—to tanners, cordwainers, tailors, cabinet-makers, hatters, tinners, brass-workers, clock-makers, coach-makers, tallow-chandlers, trace-makers, rope-makers, cork-cutters, tobacconists, whip-makers, paper-makers, umbrella-makers, glass-blowers, stocking-weavers, button-makers, saddle and harness-makers, cutlers, brush-makers, bookbinders, dairymen, milk-farmers, blacksmiths, type-founders, musical-instrument-makers, basket-makers, milliners, potters, chocolate-makers, floor-cloth-makers, bonnet-makers, hair-cloth-makers, copper-smiths, pencil-makers, bellows-makers, pocket-book-makers, card-makers, glue-makers, mustard-makers, lumber-sawyers, saw-makers, scale-beam-makers, scythe-makers, wood-saw-makers, and many others. The mechanics enumerated, enjoy a measure of protection adapted to their several conditions, varying from twenty to fifty per cent. The extent and importance of some of these artisans may be estimated by a few particulars. The tanners, curriers, boot and shoemakers, and other workers in hides, skins, and leather, produce an ultimate value per annum of forty millions of dollars; the manufacturers of hats and caps produce an annual value of fifteen millions; the cabinet-makers, twelve millions; the manufacturers of bonnets and hats for the female sex, lace, artificial flowers, combs, and so forth, seven millions; and the manufacturers of glass, five millions.

It extends to all lower Louisiana, the delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton planter himself, and the tobacco planter, both of whom enjoy protection.

The total amount of the capital vested in sheep, the land to sustain them, wool, woolen manufactures, and woolen fabrics, and the subsistence of the various persons directly or indirectly employed in the growth and manufacture of the article of wool, is estimated at one hundred and sixty-seven millions of dollars, and the number of persons at one hundred and fifty thousand.

The value of iron, considered as a raw material, and of its manufactures, is estimated at twenty-six millions of dollars per annum. Cotton goods, exclusive of the capital vested in the manufacture, and of the cost of the raw material, are believed to amount, annually, to about twenty millions of dollars.

These estimates have been carefully made, by practical men of undoubted character, who have brought together and embodied their information. Anxious to avoid the charge of exaggeration, they have sometimes placed their estimates below what was believed to be the actual amount of these interests. With regard to the quantity of bar and other iron annually produced, it is derived from the known works themselves; and I know some in western States which they have omitted in their calculations.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy also of serious consideration. Not to go behind the Constitution, its date its coeval with that instrument. It began on the ever-memorable 4th day of July—the 4th day of July, 1789. The second act which stands recorded in the statute-book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world that it was necessary for "the encouragement and protection of manufactures," that duties should be laid. It is in vain to urge the small amount of the measure of the protection then extended. The great principle was then established by the fathers of the Constitution, with the father of his country at their head. And it can not now be questioned, that, if the government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equaled, has not been surpassed, and earnestly recommended protection.

The wars of the French Revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufactures; and accordingly they everywhere sprung up. While these measures of restriction and this state of war continued, the manufacturers were stimulated in their enterprise by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her Legislature, the preamble of which, now before me, reads:

"Whereas, the establishment and encouragement of domestic manufactures is conducive to the interests of a State, by adding new incentives to industry, and as being the means of disposing to advantage the surplus productions of the agriculturist; and whereas, in the present unexampled state of the world, their establishment in our country is not only expedient, but politic, in rendering us independent of foreign nations."

The Legislature, not being competent to afford the most efficacious aid, by imposing duties on foreign rival articles, proceeded to incorporate a company.

Peace, under the treaty of Ghent, returned in 1815, but there did not return with it the golden days which preceded the edicts leveled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and the business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily burdening, almost all the productions of our agriculture, and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past—new and untried. It became necessary to adapt our laws, and especially our laws of impost, to the new circumstances in which we found ourselves. Accordingly, the eminent and lamented citizen, then at the head of the treasury (Mr. Dallas), was required, by a resolution of the House of Representatives, under date of the 23d of February, 1815, to prepare and report to the succeeding session of Congress, a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816, was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said, that the tariff of 1816 was a measure of mere revenue, and that it only reduced the war duties to a peace standard. It is true, that the question then was, how much and in what way should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amounts of the future revenue to the wants of the government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says, in his report:

"There are few, if any governments, which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have always so regarded it. * * * The demands of the country, while the acquisitions of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of

capital, and this application of labor; but the inducement, in its necessary extent, must fail when the day of competition returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens under favorable auspices have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away," and so forth.

The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the principle was then distinctly asserted and fully sanctioned.

The subject of the American system was again brought up in 1820, by the bill reported by the chairman of the committee of manufactures, now a member of the bench of the Supreme Court of the United States, and the principle was successfully maintained by the representatives of the people; but the bill which they passed was defeated in the Senate. It was revived in 1824, the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the Constitution, became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard without vouching for the fact, that it was so framed, upon the advice of a prominent citizen now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptionable features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the 4th of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of Congress. A vast majority of the people of the United States has approved and continue to approve it. Every chief magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing president are interpreted south of Mason and Dixon's line, on the north they are at least understood to favor the establishment of a judicious tariff.

The question, therefore, which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long established system, patiently and carefully built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat, that it occurred to him that he had forgotten it, when he again addressed the Senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent free-trade convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not avow their own belief that the American system is unconstitutional, but represent that such is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not assert the opinion of the distinguished author, but states that of others to be, that it is unconstitutional. From which I infer that he did not himself believe it to be unconstitutional.

[Here the Vice-president* interposed, and remarked, that, if the senator from Kentucky alluded to him, he must say that his opinion was, that the measure was unconstitutional.]

When, sir, I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the constitution.

[The Vice-president again interposed, and said that the Constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

* Mr. Calhoun.

I give way with pleasure to these explanations, which I hope will always be made when I say any thing bearing on the individual opinions of the chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824, when it was rather hinted at as against the spirit of the Constitution, than formally announced as being contrary to the provisions of that instrument. What was not dreamed of before, or in 1816, and scarcely thought of in 1824, is now made, by excited imaginations, to assume the imposing form of a serious constitutional barrier.

Such are the origin, duration, extent, and sanctions of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the Union. To none, I verily believe, has it been prejudicial. In the North, everywhere, testimonials are borne to the high prosperity which it has diffused. There, all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance. The gentleman from South Carolina has supposed that we in the West derive no advantages from this system. He is mistaken. Let him visit us, and he will find, from the head of La Belle Riviere, at Pittsburg, to America, at its mouth, the most rapid and gratifying advances. He will behold Pittsburg itself, Wheeling, Portsmouth, Maysville, Cincinnati, Louisville, and numerous other towns, lining and ornamenting the banks of the noble river, daily extending their limits, and prosecuting, with the greatest spirit and profit, numerous branches of the manufacturing and mechanic arts. If he will go into the interior, in the State of Ohio, he will there perceive the most astonishing progress in agriculture, in the useful arts, and in all the improvements to which they both directly conduce. Then let him cross over into my own, my favorite State, and contemplate the spectacle which is there exhibited. He will perceive numerous villages, not large, but neat, thriving, and some of them highly ornamented; many manufactories of hemp, cotton, wool, and other articles. In various parts of the country, and especially in the Elkhorn region, an endless succession of natural parks; the forests thinned; fallen trees and undergrowth cleared away; large herds and flocks feeding on luxuriant grasses; and interspersed with comfortable, sometimes elegant mansions, surrounded by extensive lawns. The honorable gentleman from South Carolina says, that a profitable trade was carried on from the West, through the Seleuda gap, in mules, horses, and other live stock, which has been checked by the operation of the tariff. It is true that such a trade was carried on between Kentucky and South Carolina, mutually beneficial to both parties; but,

several years ago, resolutions, at popular meetings, in Carolina, were adopted, not to purchase the produce of Kentucky, by way of punishment for her attachment to the tariff. They must have supposed us as stupid as the sires of one of the descriptions of the stock of which that trade consisted, if they imagined that their resolutions would affect our principles. Our drovers cracked their whips, blew their horns, and passed the Seleuda gap to other markets, where better humor existed, and equal or greater profits were made. I have heard of your successor in the House of Representatives, Mr. President, this anecdote: that he joined in the adoption of those resolutions, but when, about Christmas, he applied to one of his South Carolina neighbors, to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it; and he declared, if that were the patriotism on which the resolutions were based, he would not conform to them, and, in point of fact, laid in his annual stock of pork by purchase from the first passing Kentucky drover. The trade, now partially resumed, was maintained by the sale of western productions, on the one side, and Carolina money on the other. From that condition of it the gentleman from South Carolina might have drawn this conclusion, that an advantageous trade may exist, although one of the parties to it pays in specie for the production which he purchases from the other; and consequently that it does not follow, if we did not purchase British fabrics that it might not be the interest of England to purchase our raw materia of cotton. The Kentucky drover received the South Carolina specie, o· taking bills, or the evidences of deposit in the banks, carried these home, and disposing of them to the merchant, he brought out goods, of foreign or domestic manufacture, in return. Such is the circuitous nature of trade and remittance, which no nation understands better than Great Britain.

Nor has the system which has been the parent source of so much benefit to other parts of the Union, proved injurious to the cotton-growing country. I can not speak of South Carolina itself, where I have never been, with so much certainty; but of other portions of the Union in which cotton is grown, especially those bordering on the Mississippi, I can confidently speak. If cotton-planting is less profitable than it was, that is the result of increased production; but I believe it to be still the most profitable investment of capital of any branch of business in the United States. And if a committee was raised, with power to send for persons and papers, I take it upon myself to say, that such would be the result of the inquiry. In Kentucky, I know many individuals who have their cotton plantations below, and retain their residence in that State, where they remain during the sickly season; and they are all, I believe, without exception, doing well. Others, tempted by their success, are constantly engaging in the business, while scarcely any come from the cotton region to engage in western agriculture. A friend, now in my eye, a member of this body, upon a capital of less than seventy thousand dollars, invested in a plantation and slaves, made, the year before last, sixteen thousand dollars. A member of

the other House, I understand, who, without removing himself, sent some of his slaves to Mississippi, made last year about twenty per cent. Two friends of mine, in the latter State, whose annual income is from thirty to sixty thousand dollars, being desirous to curtail their business, have offered estates for sale which they are willing to show, by regular vouchers of receipt and disbursement, yield eighteen per cent. per annum. One of my most opulent acquaintances, in a county adjoining that in which I reside, having married in Georgia, has derived a large portion of his wealth from a cotton estate there situated.

The loss of the tonnage of Charleston, which has been dwelt on, does not proceed from the tariff; it never had a very large amount, and it has not been able to retain what it had, in consequence of the operation of the principle of free trade on its navigation. Its tonnage has gone to the more enterprising and adventurous tars of the northern States, with whom those of the city of Charleston could not maintain a successful competition, in the freedom of the coasting trade existing between the different parts of the Union. That this must be the true cause, is demonstrated by the fact, that, however it may be with the port of Charleston, our coasting tonnage, generally, is constantly increasing. As to the foreign tonnage, about one half of that which is engaged in the direct trade between Charleston and Great Britain, is English; proving that the tonnage of South Carolina can not maintain itself in a competition, under the free and equal navigation secured by our treaty with that power.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete, until foreign powers shall have removed theirs. There would be freedom on one side, and restriction, prohibitions, and exclusions, on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoners incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead sub-

stantially to the recolonization of these States under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of Congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country; while happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient, and industrious German, readily unites with our people; establishes himself upon some of our fat lands, fills his capacious barn, and enjoys in tranquillity the abundant fruits which his diligence gathers around him; always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty, in our society. But, of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same openheartedness; the same generous hospitality; the same careless and uncalculating indifference about human life; characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt, that if the current of emigration were reversed, and set from America upon the shores of Europe instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But sir, the gentleman to whom I am about to allude, although long a resident of this country, has no feelings, no attachments, no sympathies, no principles, in common with our people. Nearly fifty years ago, Pennsylvania took him to her bosom, and warmed, and cherished, and honored him;* and how does he manifest his gratitude? By aiming a vital blow at a system endeared to her by a thorough conviction that it is indispensable to her prosperity. He has filled, at home and abroad, some of the highest offices under this government, during thirty years, and he is still at heart an alien. The authority of his name has been invoked, and the labors of his pen, in the form of a memorial to Congress, have been engaged, to overthrow the American system, and to substitute the foreign. Go home to your native Europe, and there inculcate upon her sovereigns your Utopian doctrines of free trade, and when you have prevailed upon them to unseal their ports, and freely admit the produce of Pennsylvania and other States, come back, and we shall be prepared to become converts, and to adopt your faith.

A Mr. Sarchet also makes no inconsiderable figure in the common attack upon our system. I do not know the man, but I understand he is an un-

* Mr. Gallatin.

naturalized emigrant from the island of Guernsey, situated in the channel which divides France and England. The principal business of the inhabitants is that of driving a contraband trade with the opposite shores, and Mr. Sarchet, educated in that school, is, I have been told, chiefly engaged in employing his wits to elude the operation of our revenue laws, by introducing articles at less rates of duty than they are justly chargeable with, which he effects by varying the denominations, or slightly changing their forms. This man, at a former session of the Senate, caused to be presented a memorial, signed by some one hundred and fifty pretended workers in iron. Of these, a gentleman made a careful inquiry and examination, and he ascertained that there were only about ten of the denomination represented; the rest were tavern-keepers, porters, merchants' clerks, hackney coachmen, and so forth. I have the most respectable authority, in black and white, for this statement.

[Here General Hayne asked, who? and was he a manufacturer? Mr. Clay replied, Colonel Murray, of New York, a gentleman of the highest standing for honor, probity, and veracity; that he did not know whether he was a manufacturer or not, but the gentleman might take him as one.]

Whether Mr. Sarchet got up the late petition presented to the Senate, from the journeymen tailors of Philadelphia, or not, I do not know. But I should not be surprised if it were a movement of his, and if we should find that he has cabbaged from other classes of society to swell out the number of signatures.

To the facts manufactured by Mr. Sarchet, and the theories by Mr. Gallatin, there was yet wanting one circumstance to recommend them to favorable consideration, and that was, the authority of some high name. There was no difficulty in obtaining one from a British repository. The honorable gentleman has cited a speech of my Lord Goderich, addressed to the British Parliament, in favor of free trade, and full of deep regret that old England could not possibly conform her practice of rigorous restriction and exclusion to her liberal doctrines of unfettered commerce, so earnestly recommended to foreign powers. Sir, I know my Lord Goderich very well, although my acquaintance with him was prior to his being summoned to the British House of Peers. We both signed the convention between the United States and Great Britain, of 1815. He is an honorable man, frank, possessing but ordinary business talents, about the stature and complexion of the honorable gentleman from South Carolina, a few years older than he, and every drop of blood running in his veins being pure and unadulterated Anglo-Saxon blood. If he were to live to the age of Methuselah, he could not make a speech of such ability and eloquence as that which the gentleman from South Carolina recently delivered to the Senate; and there would be much more fitness in my Lord Goderich making quotations from the speech of the honorable gentleman, than his quoting, as authority, the theoretical doctrines of my Lord Goderich. We are too

much in the habit of looking abroad, not merely for manufactured articles, but for the sanction of high names to support favorite theories. I have seen and closely observed the British Parliament, and, without derogating from its justly elevated character, I have no hesitation in saying, that in all the attributes of order, dignity, patriotism, and eloquence, the American Congress would not suffer, in the smallest degree, by a comparison with it.

I dislike this resort to authority, and especially foreign and interested authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from a speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to, was arguing against the violation of the treaty of Methuen—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America—and he went on to say:

"It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade,' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French embassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on was that of encouraging its native manufactures, and it was a wise policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an agricultural nation; and, therefore, a poor nation, as all must be that depend exclusively upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. * * * But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufactures."

But I have said that the system nominally called "free trade," so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system, forced upon us by Great Britain during the existence of our colonial vassalage. The whole system is fully explained and illustrated in a work published as far back as the year 1750, entitled "The Trade and Navigation of Great Britain Considered, by Joshua Gee,"

with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these, that the South Carolina policy now is identical with the long-cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire. In that work the author contends:

"First, that manufactures, in American colonies, should be discouraged or prohibited.

"Great Britain, with its dependencies, is doubtless as well able to subsist within itself, as any nation in Europe. We have an enterprising people, fit for all the arts of peace and war. We have provisions in abundance, and those of the best sort, and are able to raise sufficient for double the number of inhabitants. We have the very best materials for clothing, and want nothing, either for use, or even for luxury, but what we have at home, or might have from our colonies; so that we might make such an intercourse of trade among ourselves, or between us and them, as would maintain a vast navigation. But we ought always to keep a watchful eye over our colonies, to restrain them from setting up any of the manufactures which are carried on in Great Britain; and any such attempts should be crushed in the beginning; for if they are suffered to grow up to maturity, it will be difficult to suppress them. Pages 177, 178, 179.

"Our colonies are much in the same state Ireland was in, when they began the woolen manufactory, and as their numbers increase, will fall upon manufactures for clothing themselves, if due care be not taken to find employment for them, in raising such productions as may enable them to furnish themselves with all their necessaries from us."

Then it was the object of the British economists to adapt the means or wealth of the colonists to the supply required by their necessities, and to make the mother country the source of that supply. Now it seems the policy is only so far to be reversed, that we must continue to import necessaries from Great Britain, in order to enable her to purchase raw cotton from us.

"I should, therefore, think it worthy the care of the government, to endeavor, by all possible means, to encourage them in raising silk, hemp, flax, iron [only pig, to be hammered in England], potash, and so forth, by giving them competent bounties in the beginning, and sending over judicious and skillful persons at the public charge, to assist and instruct them in the most proper methods of management, which, in my apprehension, would lay a foundation for establishing the most profitable trade of any we have. And considering the commanding situation of our colonies along the sea-coast, the great convenience of navigable rivers in all of them, the cheapness of land, and the easiness of raising provisions, great numbers of people would transport themselves thither, to settle upon such improvements. Now, as people have been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves, a little regulation would remove all those jealousies out of the way. They have never thrown or wove any silk, as yet, that we have heard of. Therefore if a law was made to prohibit the use of every throwster's mill, of

doubling or hosling silk with any machine whatever, they would then send it to us raw. And as they will have the providing rough materials to themselves, so shall we have the manufacturing of them. If encouragement be given for raising hemp, flax, and so forth, doubtless they will soon begin to manufacture, if not prevented. Therefore, to stop the progress of any such manufacture, it is proposed, that no weaver shall have liberty to set up any looms, without first registering, at an office kept for that purpose, and the name and place of abode of any journeyman that shall work for him. But if any particular inhabitant shall be inclined to have any linen or woolen made of their own spinning, they should not be abriged of the same liberty that they now make use of, namely, to carry to a weaver (who shall be licensed by the governor), and have it wrought up for the use of the family, but not to be sold to any person in a private manner, nor exposed to any market or fair, upon pain of forfeiture.

"And, inasmuch as they have been supplied with all their manufactures from hence, except what is used in building of ships, and other country work, one half of our exports being supposed to be in NAILS—a manufacture which they allow has never hitherto been carried on among them—it is proposed they shall, for time to come, never erect the manufacture of any, under the size of a two-shilling nail, horse-nails excepted; that all slitting mills and engines, for drawing wire, or weaving stockings, be put down, and that every smith who keeps a common forge or shop, shall register his name and place of abode, and the name of every servant which he shall employ, which license shall be renewed once every year, and pay for the liberty of working at such trade. That all negroes shall be prohibited from weaving either linen or woolen, or spinning or combing of wool, or working at any manufacture of iron, further than making it into pig or bar iron. That they also be prohibited from manufacturing hats, stockings, or leather of any kind. This limitation will not abridge the planters of any privilege they now enjoy. On the contrary, it will turn their industry to promoting and raising those rough materials."

The author then proposes, that the board of trade and plantations should be furnished with statistical accounts of the various permitted manufactures, to enable them to encourage or depress the industry of the colonists, and prevent the danger of interference with British industry.

"It is hoped that this method would allay the heat that some people have shown for destroying the iron-works on the plantations, and pulling down all their forges, taking away, in a violent manner, their estates and properties, preventing the husbandmen from getting their plowshares, carts, and other utensils mended, destroying the manufacture of ship-building, by depriving them of the liberty of making bolts, spikes, and other things proper for carrying on that work, by which article returns are made for purchasing our woolen manufactures." Pages 87, 88, 89.

Such is the picture of colonists dependent upon the mother country for their necessary supplies, drawn by a writer who was not among the number of those who desired to debar them the means of building a vessel, erecting a forge, or mending a plowshare, but who was willing to promote

their growth and prosperity as far as was consistent with the paramount interests of the manufacturing or parent state.

"Secondly, the advantages to Great Britain, from keeping the colonists dependent on her for their essential supplies.

"If we examine into the circumstanstances of the inhabitants of our plantations, and our own, it will appear, that not one fourth part of their product redounds to their own profit; for, out of all that comes here, they only carry back clothing, and other accommodations for their families, all of which is of the merchandise and manufacture of this kingdom."

After showing how this system tends to concentrate all the surplus of acquisition over absolute expenditure in England, he says:

"All these advantages we receive by the plantations, besides the mortgages on the planters' estates, and the high interest they pay us, which is very considerable; and therefore very great care ought to be taken in regulating all the affairs of the colonists, that the planters be not put under too many difficulties, but encouraged to go on cheerfully.

"New England, and the northern colonies, have not commodities and products enough to send us, in return, for purchasing their necessary clothing, but are under very great difficulties, and therefore any ordinary sort sell with them. And when they have grown out of fashion with us, they are new-fashioned enough there."

Sir, I can not go on with this disgusting detail. Their refuse goods, their old shop-keepers, their cast-off clothes good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down, and rendered subservient to the pride, and the pomp, and the power of another? The system then proposed differs only from that which is now recommended in one particular—that was intended to be enforced by power; this would not be less effectually executed by the force of circumstances. A gentleman in Boston (Mr. Lee), the agent of the free-trade convention, from whose exhaustless mint there is a constant issue of reports, seems to envy the blessed condition of dependent Canada, when compared to the oppressed state of this Union; and it is a fair inference from the view which he presents, that he would have us hasten back to the golden days of that colonial bondage, which is so well depicted in the work from which I have been quoting. Mr. Lee exhibits two tabular statements, in one of which he presents the high duties which he represents to be paid in the ports of the United States, and in the other, those which are paid in Canada, generally about two per centum ad valorem. But did it not occur to him, that the duties levied in Canada are paid chiefly in British manufactures, or on articles passing from one part to another of a common empire? and that, to present a parallel case in the United States, he ought to have shown, that importations made into one State from another, which are now free, are subject to the same or higher duties than are paid in Canada?

I will now, Mr. President, proceed to a more particular consideration of the arguments urged against the protective system, and an inquiry into its practical operation, especially on the cotton-growing country. And as I wish to state and meet the argument fairly, I invite the correction of my statement of it, if necessary. It is alleged that the system operates prejudicially to the cotton planter, by diminishing the foreign demand for his staple; that we can not sell to Great Britain unless we buy from her; that the import duty is equivalent to an export duty, and falls upon the cotton grower; that South Carolina pays a disproportionate quota of the public revenue; that an abandonment of the protective policy would lead to an augmentation of our exports, of an amount not less than one hundred and fifty millions of dollars; and, finally, that the South can not partake of the advantages of manufacturing, if there be any. Let us examine these various propositions in detail. First, that the foreign demand for cotton is diminished, and that we can not sell to Great Britain unless we buy from her. The demand of both our great foreign customers, is constantly and annually increasing. It is true, that the ratio of the increase may not be equal to that of production; but this is owing to the fact, that the power of producing the raw material is much greater, and is, therefore, constantly in advance of the power of consumption. A single fact will illustrate. The average produce of laborers engaged in the cultivation of cotton, may be estimated at five bales, or fifteen hundred weight to the hand. Supposing the annual average consumption of each individual who uses cotton cloth, to be five pounds, one hand can produce enough of the raw material to clothe three hundred.

The argument comprehends two errors, one of fact and the other of principle. It assumes that we do not in fact purchase of Great Britain. What is the true state of the case? There are certain, but very few articles which it is thought sound policy requires that we should manufacture at home, and on these the tariff operates. But with respect to all the rest, and much the larger number of articles of taste, fashion, and utility, they are subject to no other than revenue duties, and are freely introduced. I have before me from the Treasury a statement of our imports from England, Scotland, and Ireland, including ten years, preceding the last, and three quarters of the last year, from which it will appear that, although there are some fluctuations in the amount of the different years, the largest amount imported in any one year has been since the tariff of 1824, and that the last year's importation, when the returns of the fourth quarter shall be received, will probably be the greatest in the whole term of eleven years.

Now, if it be admitted that there is a less amount of the protected articles imported from Great Britain, she may be, and probably is, compensated for the deficiency, by the increased consumption in America of the articles of her industry not falling within the scope of the policy of our protection. The establishment of manufactures among us excites the

creation of wealth, and this gives new powers of consumption, which are gratified by the purchase of foreign objects. A poor nation can never be a great consuming nation. Its poverty will limit its consumption to bare subsistence.

The erroneous principle which the argument includes, is, that it devolves on us the duty of taking care that Great Britain shall be enabled to purchase from us without exacting from Great Britain the corresponding duty. If it be true on one side that nations are bound to shape their policy in reference to the ability of foreign powers, it must be true on both sides of the Atlantic. And this reciprocal obligation ought to be emphatically regarded toward the nation supplying the raw material, by the manufacturing nation, because the industry of the latter gives four or five values to what had been produced by the industry of the former.

But, does Great Britain practice toward us upon the principles which we are now required to observe in regard to her? The exports to the United Kingdom, as appears from the same treasury statement just adverted to, during eleven years, from 1820 to 1831, and exclusive of the fourth quarter of the last year, fall short of the amount of imports by upward of forty-six millions of dollars, and the total amount, when the returns of that quarter are received, will exceed fifty millions of dollars! It is surprising how we have been able to sustain, for so long a time, a trade so very unequal. We must have been absolutely ruined by it, if the unfavorable balance had not been neutralized by more profitable commerce with other parts of the world. Of all nations, Great Britain has the least cause to complain of the trade between the two countries. Our imports from that single power are nearly one third of the entire amount of our importations from all foreign countries together. Great Britain constantly acts on the maxim of buying only what she wants and can not produce, and selling to foreign nations the utmost amount she can. In conformity with this maxim, she excludes articles of prime necessity, produced by us, equally if not more necessary than any of her industry which we tax, although the admission of those articles would increase our ability to purchase from her, according to the argument of gentlemen.

If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky, make up for the unfavorable balance by trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars' worth of cotton fabrics, which she annually sells? Of that amount the United States do not purchase five per centum. What becomes of the other ninety-five per centum? Is it not sold to other powers, and would not their markets remain, if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be

guilty of the folly of depriving herself of markets to the amount of up ward of one hundred and fifty millions of dollars, because we refused her a market for some eight or ten millions?

But if there were a diminution of the British demand for cotton equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton-planter is not amply indemnified by the creation of additional demand elsewhere? With respect to the cotton-grower, it is the totality of the demand, and not its distribution, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theater of the demand. It could not, for example, be injurious to him, if, instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased to that extent the French demand. It would be better for him, because it is always better to have several markets than one. Now if, instead of a transfer to the opposite side of the channel, of those two or three hundred thousand bales, they are transported to the northern States, can that be injurious to the cotton-grower? Is it not better for him? Is it not better to have a market at home, unaffected by war, or other foreign causes, for that amount of his staple?

If the establishment of American manufactures, therefore, had the sole effect of creating a new and an American demand for cotton, exactly to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton-grower. It is calculated that the cotton manufactories of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received during the last year nearly one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three fourths of the value of the article. If, therefore, these twenty-four millions worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James river, and west of the mountains,

Great Britian receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory, to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all who are embraced within it the productions of their respective industry. The cotton-grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless number of objects of his consumption from his fellow-citizens, and they in turn purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles who could not otherwise obtain them, ought there to be from any quarter an objection to the only system by which that object can be accomplished? But can there be any doubt with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by purchasing from them, and I, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods, which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would then be, to diminish the total consumption of cotton, to say nothing now of the reduction of price that would take place by throwing into the ports of Great Britain the two hundred thousand bales, which, no longer being manufactured in the United States, would go thither.

Second, that the import duty is equivalent to an export duty, and falls on the producer of cotton.

The framers of our Constitution, by granting the power to Congress to lay imposts, and prohibiting that of laying an export duty, manifested that they did not regard them as equivalent. Nor does the common sense of mankind. An export duty fastens upon, and incorporates itself with, the article on which it is laid. The article can not escape from it—it pursues and follows it, wherever the article goes; and if, in the foreign market, the supply is above or just equal to the demand, the amount of the export duty will be a clear deduction to the exporter from the price of the article. But an import duty on a foreign article leaves the exporter of the domestic article free, first, to import specie; secondly, goods which are free from the protecting duty; or, thirdly, such goods as, being chargeable with the protecting duty, he can sell at home, and throw the duty on the consumer.

But, it is confidently argued that the import duty falls upon the grower

of cotton; and the case has been put in debate, and again and again in conversation, of the South Carolina planter, who exports one hundred bales of cotton to Liverpool, exchanges them for one hundred bales of merchandise, and when he brings them home, being compelled to leave at the custom-house forty bales in the form of duties. The argument is founded on the assumption that a duty of forty per centum amounts to a subtraction of forty from the one hundred bales of merchandise. The first objection to it is, that it supposes a case of barter, which never occurs. If it be replied, that it nevertheless occurs in the operations of commerce, the answer would be that, since the export of Carolina cotton is chiefly made by New York or foreign merchants, the loss stated, if it really accrued, would fall upon them, and not upon the planter. But, to test the correctness of the hypothetical case, let us suppose that the duty, instead of forty per centum, should be one hundred and fifty, which is asserted to be the duty in some cases. Then, the planter would not only lose the whole hundred bales of merchandise, which he had gotten for his hundred bales of cotton, but he would have to purchase, with other means, an additional fifty bales, in order to enable him to pay the duties accruing on the proceeds of the cotton. Another answer is, that if the producer of cotton in America, exchanged against English fabrics, pays the duty, the producer of those fabrics also pays it, and then it is twice paid. Such must be the consequence, unless the principle is true on one side of the Atlantic, and false on the other. The true answer is, that the exporter of an article, if he invests its proceeds in a foreign market, takes care to make the investment in such merchandise as, when brought home, he can sell with a fair profit; and, consequently, the consumer would pay the original cost and charges, and profit.

Third. The next objection to the American system is, that it subjects South Carolina to the payment of an undue proportion of the public revenue. The basis of this objection is the assumption, shown to have been erroneous, that the producer of the exports from this country pays the duty on its imports, instead of the consumer of those imports. The amount which South Carolina really contributes to the public revenue, no more than that of any other State, can be precisely ascertained. It depends upon her consumption of articles paying duties, and we may make an approximation sufficient for all practical purposes. The cotton planters of the valley of the Mississippi with whom I am acquainted, generally expend but one third of their income in the support of their families and plantations. On this subject I hold in my hands a statement from a friend of mine, of great accuracy, and a member of the Senate. According to this statement in a crop of ten thousand dollars, the expense may fluctuate between two thousand eight hundred dollars and three thousand two hundred dollars. Of this sum, about one fourth, from seven to eight hundred dollars, may be laid out in articles paying the protective duty; the residue is disbursed for provisions, mules, horses, oxen, wages of overseer,

etc. Estimating the exports of South Carolina at eight millions, one third is two millions six hundred and sixty-six thousand six hundred and sixty six dollars; of which one fourth will be six hundred and sixty-six thousand six hundred and sixty-six and two thirds dollars. Now, supposing the protecting duty to be fifty per centum, and that it all enters into the price of the article, the amount paid by South Carolina would only be three hundred and thirty-three thousand three hundred and thirty-three and one third dollars. But the total revenue of the United States may be stated at twenty millions, of which the proportion of South Carolina, whatever standard, whether of wealth or population, be adopted, would be about one million. Of course on this view of the subject, she actually pays only about one third of her fair and legitimate share. I repeat, that I have no personal knowledge of the habits of actual expenditure in South Carolina; they may be greater than I have stated, in respect to other parts of the cotton country; but if they are, that fact does not arise from any defect in the system of public policy.

Fourth. An abandonment of the American system, it is urged, would lead to an addition to our exports of one hundred and fifty millions of dollars. The amount of one hundred and fifty millions of cotton, in the raw state, would produce four hundred and fifty millions in the manufactured state, supposing no greater measure of value be communicated, in the manufactured form, than that which our industry imparts. Now, sir, where would markets be found for this vast addition to the supply? Not in the United States, certainly, nor in any other quarter of the globe, England having already everywhere pressed her cotton manufactures to the utmost point of repletion. We must look out for new worlds, seek for new and unknown races of mortals, to consume this immense increase of cotton fabrics.

[General Hayne said, that he did not mean that the increase of one hundred and fifty millions to the amount of our exports would be of cotton alone, but of other articles.]

What other articles? Agricultural produce—bread-stuffs, beef and pork, and so forth? Where shall we find markets for them? Whither shall we go? To what country, whose ports are not hermetically sealed against their admission? Break down the home market and you are without resource. Destroy all other interests in the country, for the imaginary purpose of advancing the cotton-planting interest, and you inflict a positive injury, without the smallest practical benefit to the cotton planter. Could Charleston, or the whole South, when all other markets are prostrated, or shut against the reception of the surplus of our farmers, receive that surplus? Would they buy more than they might want for their own consumption? Could they find markets which other parts of the Union could not? Would gentlemen force the freemen of all north of James river, east and west, like the miserable slave, on the Sabbath day, to repair to Charles-

ton, with a turkey under his arm, or a pack upon his back, and beg the clerk of some English or Scotch merchant, living in his gorgeous palace, or rolling in his splendid coach in the streets, to exchange his "truck" for a bit of flannel to cover his naked wife and children! No! I am sure that I do no more than justice to their hearts, when I believe that they would reject what I believe to be the inevitable effects of their policy.

Fifth. But it is contended, in the last place, that the South can not, from physical and other causes, engage in the manufacturing arts. I deny the premises, and I deny the conclusion. I deny the fact of inability; and, if it existed, I deny the conclusion, that we must, therefore, break down our manufactures, and nourish those of foreign countries. The South possesses, in an extraordinary degree, two of the most important elements of manufacturing industry—water-power and labor. The former gives to our whole country a most decided advantage over Great Britain. But a single experiment, stated by the gentleman from South Carolina, in which a faithless slave put the torch to a manufacturing establishment, has discouraged similar enterprises. We have in Kentucky the same description of population, and we employ them, almost exclusively, in many of our hemp manufactories. A neighbor of mine, one of our most opulent and respectable citizens, has had one, two, if not three, manufactories burned by incendiaries; but he persevered, and his perseverance has been rewarded with wealth. We found that it was less expensive to keep night-watches than to pay premiums for insurance, and we employed them.

Let it be supposed, however, that the South can not manufacture; must those parts of the Union which can, be therefore prevented? Must we support those of foreign countries? I am sure that injustice would be done to the generous and patriotic nature of South Carolina, if it were believed that she envied or repined at the success of other portions of the Union in branches of industry to which she might happen not to be adapted. Throughout her whole career she has been liberal, national, high-minded.

The friends of the American system have been reminded by the honorable gentleman from Maryland (General Smith), that they are the majority, and he has admonished them to exercise their power in moderation. The majority ought never to trample upon the feelings, or violate the just rights of the minority. They ought never to triumph over the fallen, nor to make any but a temperate and equitable use of their power. But these counsels come with an ill grace from the gentleman from Maryland. He, too, is a member of a majority—a political majority. And how has the administration of that majority exercised their power in this country? Recall to your recollection the 4th of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the Union, gathered together in the halls of patronage; or stealing by evening's twilight into the apartments of the president's mansion, cried out, with ghastly faces, and in sepulchral tones, "give us bread! gives us treasury pap

give us our reward!" England's bard was mistaken; ghosts will sometimes come, called or uncalled. Go to the families who were driven from the employments on which they were dependent for subsistence, in consequence of their exercise of the dearest right of freemen. Go to mothers, while hugging to their bosoms their starving children. Go to fathers who, after being disqualified by long public service for any other business, were stripped of their humble places, and then sought, by the minions of authority, to be stripped of all that was left them—their good names—and ask, what mercy was shown to them! As for myself, born in the midst of the Revolution, the first air that I ever breathed on my native soil of Virginia having been that of liberty and independence, I never expected justice, nor desired mercy at their hands; and scorn the wrath and defy the oppression of power.

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than in their own country? But is it correct? The joint-stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me, is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defense would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption affected by the tariff, are cheaper and better since the act of 1824, than they were for several years prior to that law? I appeal for its truth to

common observation, and to all practical men. I appeal to the farmer of the country, whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woolens, for his laboring people? And I ask the cotton planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken, in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, bare-faced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar iron in the United States is supposed to be about one hundred and forty-six thousand tons, of which one hundred and twelve thousand eight hundred and sixty-six tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at twenty-nine thousand two hundred and fifty-four, and the total number of persons subsisted by it at one hundred and forty-six thousand two hundred and seventy-three. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity, since that period, has been in a ratio of near twenty-five per centum, and the wholesale price of bar iron in the northern cities was, in 1828, one hundred and five dollars per ton; in 1829, one hundred dollars; in 1830, ninety dollars; and in 1831, from eighty-five to seventy-five dollars—constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English can not make iron of equal quality to ours, at a less price than we do. They have three classes, best-best, best, and ordinary. It is the latter which is imported. Of the whole amount imported, there is only about four thousand tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known, that I have heard of recent exportations of iron ore to England.

It has been alleged, that bar iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers them-

selves. But I take this to be the true principle, that if our country is producing a raw material of prime necessity, and with reasonable protection, can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacurer. The ship builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now the duty of the statesman is, to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each, according to the nature and to the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. The remarkable fact was lately communicated to me, that the same individual, who twenty-five years ago was engaged in the importation of cotton-cloth from Asia for American consumption, is now engaged in the exportation of coarse American cottons to Asia, for Asiatic consumption! And my honorable friend from Massachusetts, now in my eye (Mr. Silsbee), informed me, that on his departure from home, among the last orders which he gave, one was for the exportation of coarse cottons to Sumatra, in the vicinity of Calcutta! I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined! The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise in the article for the next two years. The introduction of calico-printing into the United

States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. It is a beautiful manufacture, combining great mechanical skill with scientific discoveries in chemistry. The engraved cylinders for making the impression require much taste, and put in requisition the genius of the fine arts of design and engraving. Are the fine graceful forms of our fair countrywomen less lovely when enveloped in the chintzes and calicoes produced by native industry, than when clothed in the tinsel of foreign drapery?

Gentlemen are no doubt surprised at these facts. They should not underrate the energies, the enterprise, and the skill of our fellow-citizens. I have no doubt they are every way competent to accomplish whatever can be effected by any other people, if encouraged and protected by the fostering care of our own government. Will gentlemen believe the fact, which I am authorized now to state, that the United States, at this time, manufacture one half the quantity of cotton which Great Britain did in 1816! We possess three great advantages: first, the raw material; second, water-power instead of that of steam, generally used in England; and, third, the cheaper labor of females. In England, males spin with the mule and weave; in this country, women and girls spin with the throstle, and superintend the power-loom. And can there be any employment more appropriate? Who has not been delighted with contemplating the clock-work regularity of a large cotton manufactory? I have often visited them at Cincinnati and other places, and always with increased admiration. The women, separated from the other sex, work in apartments, large, airy, well warmed, and spacious. Neatly dressed, with ruddy complexions, and happy countenances, they watch the work before them, mend the broken threads, and replace the exhausted balls or broaches. At stated hours they are called to their meals, and go and return with light and cheerful step. At night they separate, and repair to their respective houses, under the care of a mother, guardian, or friend. "Six days shalt thou labor and do all that thou hast to do, but the seventh day is the sabbath of the Lord thy God." Accordingly, we behold them on that sacred day, assembled together in His temples, and in devotional attitudes and with pious countenances offering their prayers to heaven for all its blessings; of which it is not the least, that a system of policy has been adopted by their country, which admits of their obtaining a comfortable subsistence. Manufactures have brought into profitable employment a vast amount of female labor, which, without them, would be lost to the country.

In respect to woolens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles, since the tariff of 1824. It would have

been still greater, but for the high duty on the raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flanneis in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannel during six years. The average price of them, in 1826, was thirty-eight cents and three quarters; in 1827, thirty-eight; in 1828 (the year of the tariff), forty-six; in 1829, thirty-six; in 1830 (not withstanding the advance in the price of wool), thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries; and that, although a yard of flannel which would sell in England at fifteen cents, would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries, of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars seventy-five cents.

The gentleman from South Carolina, sensible of the incontestable fact of the very great reduction in the price of the necessaries of life, protected by the American system, has felt the full force of it, and has presented various explanations of the causes to which he ascribes it. The first is, the diminished production of the precious metals, in consequence of the distressed state of the countries in which they are extracted, and the consequent increase of their value, relative to that of the commodities for which they are exchanged. But, if this be the true cause of the reduction of price, its operation ought to have been general, on all objects, and of course upon cotton among the rest. And, in point of fact, the diminshed price of that staple is not greater than the diminution of the value of other staples of our agriculture. Flour, which commanded some years ago, ten or twelve dollars per barrel, is now sold for five. The fall of tobacco has been still more. The kite-foot of Maryland, which sold at from sixteen to twenty dollars per hundred, now produces only four or five. That of Virginia has sustained an equal decline. Beef, pork, every article almost produced by the farmer, has decreased in value. Ought not South Carolina, then, to submit quietly to a state of things which is general, and proceeds from an

uncontrollable cause? Ought she to ascribe to the "accursed" tariff, what results from the calamities of civil and foreign war, raging in many countries?

But, sir, I do not subscribe to this doctrine, implicitly. I do not believe that the diminished production of the precious metals, if that be the fact satisfactorily accounts for the fall in prices; for I think that the augmentation of the currency of the world, by means of banks, public stocks, and other facilities arising out of exchange and credit, has more than supplied any deficiency in the amount of the precious metals.

It is further urged, that the restoration of peace in Europe, after the battle of Waterloo, and the consequent return to peaceful pursuits of large masses of its population, by greatly increasing the aggregate amount of effective labor, had a tendency to lower prices; and undoubtedly such ought to have its natural tendency. The same cause, however, must also have operated to reduce the price of our agricultural produce, for which there was no longer the same demand in peace as in war; and it did so operate. But its influence on the price of manufactured articles, between the general peace of Europe in 1815, and the adoption of our tariff in 1824, was less sensibly felt, because, perhaps, a much larger portion of the labor, liberated by the disbandment of armies, was absorbed by manufactures than by agriculture. It is also contended, that the invention and improvement of labor-saving machinery, have tended to lessen the prices of manufactured objects of consumption; and undoubtedly this cause has had some effect. Ought not America to contribute her quota of this cause, and has she not by her skill and extraordinary adaptation to the arts, in truth largely contributed to it?

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition, the total amount of the supply is increased, and by increase of the supply, a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; taken separately, each is nothing; but in their combination they produce efficacy, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in co-operation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe, to her own presumed skill and labor ex-

clusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and excited industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England, before the passage of that tariff was known, it produced such an effect upon the English market, that the articles could not be resold without loss, he adds; "for it really appears that, when additional duties are laid upon an article, it then becomes lower instead of higher." This would not probably happen, where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having excited or stimulated the measure of the home production.

The great law of price is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty necessarily becomes a component element to its exact amount of price. If the proportion of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or *vice versa*, price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed, precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the present cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena, and the other lead mines, afterward fell to one and a half cents per pound. Now it is obvious that the duty did not, in this case, enter into the price; for it was twice the amount of the price. What produced the fall? It was stimulated production at home, excited by the temptation of the exclusive possession of the home market. This state of things could not last. Men

would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But break down the domestic supply, place us again in a state of dependence on the foreign source, and can it be doubted that we should ultimately have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise. On this subject, great mistakes are committed. I have seen most erroneous reasoning in a late report of Mr. Lee, of the free-trade convention in regard to the article of sugar. He calculates the total amount of brown sugar produced in the world, and then states, that what is made in Louisiana is not more than two and a half per centum of that total. Although this data may be questioned, let us assume their truth, and what might be the result? Price being determined by the proportions of supply and demand, it is evident that when the supply exceeds the demand, the price will fall. And the fall is not always regulated by the amount of that excess. If the market at a given price, required five or fifty millions of hogsheads of sugar, a surplus of only a few hundred might materially influence the price, and diffuse itself throughout the whole mass. Add, therefore, the eighty or one hundred thousand hogsheads of Louisiana sugar to the entire mass produced in other parts of the world, and it can not be doubted that a material reduction of the price of the article, throughout Europe and America, would take place. The Louisiana sugar substituting foreign sugar in the home market, to the amount of its annual produce, would force an equal amount of foreign sugar into other markets, which being glutted, the price would necessarily decline, and this decline of price would press portions of the foreign sugar into competition in the United States with Louisiana sugar the price of which would also be brought down. The fact has been in exact conformity with this theory. But now let us suppose the Louisiana sugar to be entirely withdrawn from the general consumption, what then would happen? A new demand would be created in America for foreign sugar, to the extent of the eighty or one hundred thousand hogsheads made in Louisiana; a less amount by that quantity would be sent to the European markets, and the price would consequently everywhere rise. It is not, therefore, those who, by keeping on duties, keep down prices, that tax the people, but those who, by repealing duties, would raise prices, that really impose burdens upon the people.

But it is argued, that if, by the skill, experience, and perfection, which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtain-

ed. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its store-houses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the national legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and my word for it, the degree of perfection in the arts which it will exhibit, will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, "no great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees: that which attains a speedy maturity is of small value, and is destined to a brief existence. It

is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is,

Second, that under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market; and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816, was eighty

one millions of pounds; in 1826, two hundred and four millions; and in 1830, nearly three hundred millions! The ground of greatest surprise is, that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended, in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions (almost double that of 1819), produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? Is it necessary to look beyond that single fact to the tariff, to the diminished price of the mines furnishing the precious metals, or to any other cause for the solution? This subject is well understood in the South, and although I can not approve the practice which has been introduced of quoting authority, and still less the authority of newspapers, for favorite theories, I must ask permission of the Senate to read an article from a southern newspaper.

[Here Mr. Clay read an article from the Charleston Gazette.]

Let us suppose that the home demand for cotton, which has been created by the American system, were to cease, and that the two hundred thousand bales, which the home market now absorbs, were thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it can not be doubted that the existence of American manufactures has tended to increase the demand, and extend the consumption of raw material; and that, but for this increased demand, the price of the article would have fallen, possibly one half lower than it now is. The error of the opposite argument is, in assuming one thing, which being denied, the whole fails: that is, it assumes that the whole labor of the United States would be profitably employed without manufactures. Now the truth is, that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone during the last year (and it was imported exclusively for the home manufacture), was one hundred and nine thousand five hundred and seventeen bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was two hundred and eighty-four thousand five hundred and four barrels, and three thousand nine hundred and fifty-five half barrels; of which, there were from Virginia, Georgetown, and Alexandria, one hundred and fourteen thousand two hundred and twenty-two barrels; of Indian corn, six hundred and eighty-one thousand one hundred and thirty-one bushels; of oats, two hundred and thirty-nine thousand eight hundred and nine bushels; of rye, about fifty thousand bushels; and of shorts, thirty-three thousand four hundred and eighty-nine bushels; into the port of Providence, seventy-one thousand three hundred and sixty-nine barrels of flour; two hundred and sixteen thousand six hundred and sixty-two bushels of Indian corn, and seven thousand seven hundred and seventy-two bushels of rye. And there were discharged at the port of Philadelphia, four hundred and twenty thousand three hundred and fifty-three bushels of Indian corn; two hundred and one thousand eight hundred and seventy-eight bushels of wheat, and one hundred and ten thousand five hundred and fifty-seven bushels of rye and barley. There were slaughtered in Boston during the same year, 1831 (the only northern city from which I have obtained returns), thirty-three thousand nine hundred and twenty-two beef cattle; fifteen thousand and four hundred calves; eighty-four thousand four hundred and fifty-three sheep, and twenty-six thousand eight hundred and seventy-one swine. It is confidently believed, that there is not a less quantity of southern flour consumed at the North than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James river, including a large part of North Carolina—if a home market did not exist for this immense amount of agricultural produce? Without the market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties in the ports of the United Kingdom on breadstuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per

centum on the first cost of beef and pork in the western States. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that we may enable her to purchase our cotton!—Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation in reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items—for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the Senate. Where, where should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the North, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American system, than without it, I should still argue that high or low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her excited and protected industry, is enabled to bear a burden of taxation, which, when compared to

that of other nations, appears enormous, but which, when her immense riches are compared to theirs, is light and trival. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence, that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and securing a home market for its rich and abundant products; by employing the water with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed nearly twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotton, so soon, the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessaries? To what an enormous price they rose! And how inadequate the supply was at any price! The statesman who justly elevates his views will look behind as well as forward, and at the existing state of things; and he will graduate the policy, which he recommends, to the probable exigences which may arise in the Republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which, supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing,

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished by the operation of that system, the diminution has been more than compensated in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects

Seventhly, that in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech from the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him, and of the Senate. The gentleman made one declaration, which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is, "The instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them."

[Here General Hayne rose and remarked that the passages which immediately preceded and followed the paragraph cited he thought plainly indicated his meaning, which related to evasion of the system, by illicit introduction of goods, which they were not disposed to countenance in South Carolina.]

I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts, that there is a great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the Legislature itself has declared its purpose of resorting to counteracting measures, a suspension of which has only been submitted to, for the purpose of allowing Congress time to retrace its steps. With respect to this Union, Mr. President, the truth can not be too generally proclaimed, nor too strongly inculcated, that it is necessary to the whole and to all the parts—necessary to those parts, indeed, in different degrees, but vitally necessary to each—and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle which lies at the foundation of all free governments, is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern it must, subject only to that terrible appeal. If

ever one or several States, being a minority, can, by menacing a dissolution of the Union, succeed in forcing an abandonment of great measures, deemed essential to the interests and prosperity of the whole, the Union from that moment is practically gone. It may linger on, in form and name, but its vital spirit has fled forever! Entertaining these deliberate opinions, I would intreat the patriotic people of South Carolina—the land of Marion, Sumpter, and Pickens; of Rutledge, Laurens, the Pinckneys and Lowndeses; of living and present names, which I would mention if they were not living or present—to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the Union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won, on fields of glory, imperishable renown. To advance, is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and moldering in ruins. I never had the honor of being in South Carolina, but I have heard and read of the stories of its chivalry, and of its generous and open-hearted liberality. I have heard, too, of the struggles for power, between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover Curl, Maycox, Shirley, and others, on James river, and in lower Virginia? Under the operation of laws, abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates, among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far West, while others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name—glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition; brave, daring, chivalrous; what can be the cause of their present unhappy state? The "accursed" tariff presents itself to their excited imaginations, and they blindly rush into the ranks of those who, unfurling the banner of nullification, would place a State upon its sovereignty!

The danger to our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James river, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of

the United States, would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil, and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then indeed might we tremble for the continuance and safety of this Union.

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present Constitution? The States respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures, by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain in the federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a "fraud" upon the northern States, to which may now be added the middle and western States.

[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the House of Representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has on the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unani-

mous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the bill. That enterprising people can readily accommodate their industry to any policy, provided it be settled. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this House (with the exception of one small still voice), is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of eastern Virginia will be, as the majority of western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be, that they ever should have been opposed.

I have now to proceed to notice some objections which have been urged against the resolution under consideration. With respect to the amendment which the gentleman from South Carolina has offered, as he has intimated his purpose to modify it, I shall forbear for the present to comment upon it. It is contended that the resolution proposes the repeal of duties on luxuries, leaving those on necessaries to remain, and that it will, therefore, relieve the rich without lessening the burden of the poor. And the gentleman from South Carolina has carefully selected, for ludicrous effect, a number of the unprotected articles, cosmetics, perfumes, oranges, and so forth. I must say, that this exhibition of the gentleman is not in keeping with the candor which he has generally displayed; that he knows very well that the duties upon these articles are trifling, and that it is of little consequence whether they are repealed or retained. Both systems, the American and the foreign, comprehend some articles which may be deemed luxuries. The Senate knows that the unprotected articles which yield the principal part of the revenue, with which this measure would dispense, are coffee, tea, spices, wines, and silks. Of all these articles, wines and silks alone can be pronounced to be luxuries; and as to wines, we have already ratified a treaty, not yet promulgated, by which the duties on them are to be considerably reduced. If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessaries. Even if they were luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them? Why

should not a poor man be allowed to tie a silk handkerchief on his neck, occasionally regale himself with a glass of cheap French wine, or present his wife or daughter with a silk gown, to be worn on Sabbath or gala days? I am quite sure that I do not misconstrue the feelings of the gentleman's heart, in supposing that he would be happy to see the poor as well as the rich moderately indulging themselves in those innocent gratifications. For one, I am delighted to see the condition of the poor attracting the consideration of the opponents of the tariff. It is for the great body of the people, and especially for the poor, that I have ever supported the American system. It affords them profitable employment, and supplies the means of comfortable subsistence. It secures to them, certainly, necessaries of life, manufactured at home, and at places within their reach, and enables them to acquire a reasonable share of foreign luxuries; while the system of gentlemen promises them necessaries made in foreign countries, and which are beyond their power, and denies to them luxuries, which they would possess no means to purchase.

The constant complaint of South Carolina against the tariff, is, that it checks importations, and disables foreign powers from purchasing the agricultural productions of the United States. The effect of the resolution will be to increase importations, not so much, it is true, from Great Britain, as from the other powers, but not the less acceptable on that account. It is a misfortune that so large a portion of our foreign commerce concentrates in one nation; it subjects us too much to the legislation and the policy of that nation, and exposes us to the influence of her numerous agents, factors, and merchants. And it is not among the smallest recommendations of the measure before the Senate, that its tendency will be to expand our commerce with France, our great revolutionary ally, the land of our Lafayette. There is much greater probability also of an enlargement of the present demand for cotton in France than in Great Britain. France engaged later in the manufacture of cotton, and has made, therefore, less progress. She has, moreover, no colonies producing the article in abundance, whose industry she might be tempted to encourage.

The honorable gentleman from Maryland (General Smith), by his reply to a speech which, on the opening of the subject of this resolution, I had occasion to make, has rendered it necessary that I should take some notice of his observations. The honorable gentleman stated that he had been accused of partiality to the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him professions of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising opponent of them, than the honorable senator has invariably been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony to his innocence. The honorable

gentleman supposed that I had advanced the idea that the permanent revenue of this country should be fixed at eighteen millions of dollars. Certainly I had no intention to announce such an opinion, nor do my expressions, fairly interpreted, imply it. I stated, on the occasion referred to, that, estimating the ordinary revenue of the country at twenty-five millions, and the amount of the duties on the unprotected articles proposed to be repealed by the resolution at seven millions, the latter sum taken from the former would leave eighteen. But I did not intimate any belief that the revenue of the country ought, for the future, to be permanently fixed at that or any other precise sum. I stated that, after having effected so great a reduction, we might pause, cautiously survey the whole ground, and deliberately determine upon other measures of reduction, some of which I indicated. And I now say, Preserve the protective system in full vigor; give us the proceeds of the public domain for internal improvements, or, if you please, partly for that object, and partly for the removal of the free blacks, with their own consent, from the United States; and for one, I have no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars.

In regard to the scheme of the Secretary of the Treasury for paying off the whole of the remaining public debt by the 4th of March, 1833, including the three per centum, and for that purpose selling the bank stock, I had remarked that, with the exception of the three per centum, there were not more than about four millions of dollars of the debt due and payable within this year; that to meet this, the secretary had stated in his annual report, that the treasury would have, from the receipts of this year, fourteen millions of dollars, applicable to the principal of the debt; that I did not perceive any urgency for paying off the three per centum by the precise day suggested; and that there was no necessity, according to the plans of the Treasury, assuming them to be expedient and proper, to postpone the repeal of the duties on unprotected articles. The gentleman from Maryland imputed to me ignorance of the act of the 24th of April, 1830, according to which, in his opinion, the secretary was obliged to purchase the three per centum. On what ground the senator supposed I was ignorant of that act, he has not stated. Although when it passed I was at Ashland, I assure him that I was not there altogether uninformed of what was passing in the world. I regularly received the Register of my excellent friend (Mr. Niles), published in Baltimore, the National Intelligencer, and other papers. There are two errors to which gentlemen are sometimes liable; one is to magnify the amount of knowledge which they possess themselves, and the second is to depreciate that which others have acquired. And will the gentleman from Maryland excuse me for thinking that no man is more prone to commit both errors than himself? I will not say that he is ignorant of the true meaning of the act of 1830, but I certainly place a different construction upon it from what he does. It does not oblige the Secretary of the Treasury, or rather the commissioners of

the sinking-fund, to apply the surplus of any year to the purchase of the three per centum stock particularly, but leaves them at liberty "to apply such surplus to the purchase of any portion of the public debt at such rates as, in their opinion, may be advantageous to the United States." This vests a discretionary authority, to be exercised under official responsibility. And if any Secretary of the Treasury, when he had the option of purchasing a portion of the debt, bearing a higher rate of interest at par or about par, were to execute the act by purchasing the three per centums at their present price, he would merit impeachment. Undoubtedly a state of fact may exist, such as there being no public debt remaining to be paid but the three per centum stock, with a surplus in the Treasury, idle and unproductive, in which it might be expedient to apply that surplus to the reimbursement of the three per centums. But while the interest of money is at a greater rate than three per centum, it would not, I think, be wise to produce an accumulation of public treasure for such a purpose. The postponement of any reduction of the amount of the revenue at this session must, however, give rise to that very accumulation; and it is, therefore, that I can not perceive the utility of the postponement.

We are told by the gentleman from Maryland, that offers have been made to the Secretary of the Treasury to exchange three per centums, at their market price of ninety-six per centum, for the bank stock of the government at his market price, which is about one hundred and twenty-six, and he thinks it would be wise to accept them. If the charter of the bank is renewed that stock will be probably worth much more than its present price; if not renewed, much less. Would it be fair in government, while the question is pending and undecided, to make such an exchange? The difference in value between a stock bearing three per centum and one bearing seven per centum must be really much greater than the difference between ninety-six and one hundred and twenty-six per centum. Supposing them to be perpetual annuities, the one would be worth more than twice the value of the other. But my objection to the treasury plan is, that it is not necessary to execute it—to continue these duties as the secretary proposes. The secretary has a debt of twenty-four millions to pay; he has from the accruing receipts of this year fourteen millions, and we are now told by the senator from Marylaud, that this sum of fourteen millions is exclusive of any of the duties accruing this year. He proposes to raise eight millions by the sale of the bank stock, and to anticipate from the revenue receivable next year, two millions more. These three items, then, of fourteen millions, eight millions, and two millions, make up the sum required, of twenty-four millions, without the aid of the duties to which the resolution relates.

The gentleman from Maryland insists that the general government has been liberal toward the West in its appropriations of public lands for internal improvements; and, as to fortifications, he contends that the expenditures near the mouth of the Mississippi are for its especial benefit.

The appropriations of land to the States of Ohio, Indiana, Illinois, and Alabama, have been liberal; but it is not to be overlooked, that the general government is itself the greatest proprietor of land, and that a tendency of the improvements, which these appropriations were to effect, is to increase the value of the unsold public domain. The erection of the fortifications for the defense of Louisiana was highly proper; but the gentleman might as well place to the account of the West, the disbursement for the fortifications intended to defend Baltimore, Philadelphia, and New York, to all which capitals western produce is sent, and in the security of all of which the western people feel a lively interest. They do not object to expenditures for the army, for the navy, for fortifications, or for any other offensive or commercial object on the Atlantic, but they do think that their condition ought also to receive friendly attention from the general government. With respect to the State of Kentucky, not one cent of money, or one acre of land has been applied to any object of internal improvement within her limits. The subscription to the stock of the canal at Louisville was for an object in which many States were interested. The senator from Maryland complains that he has been unable to attain any aid for the railroad which the enterprise of Baltimore has projected, and in part executed. That was a great work, the conception of which was bold, and highly honorable, and it deserves national encouragement. But how has the committee of roads and canals, at this session, been constituted? The senator from Maryland possessed a brief authority to organize it, and, if I am not misinformed, a majority of the members composing it, appointed by him, are opposed both to the constitutionality of the power, and the expediency of exercising it.

And now, sir, I would address a few words to the friends of the American system in the Senate. The revenue must, ought to be, reduced. The country will not, after by the payment of the public debt ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily taxed, while those would really tax them who would break up the native sources of supply, and render them dependent upon the foreign. But the revenue ought to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is, or may be, to preserve the protecting system, and repeal the duties on the unprotected articles, or to preserve the duties on unprotected articles, and endanger, if not destroy, the system. Let us then adopt the measure before us, which will benefit all classes—the farmer, the professional man, the merchant, the manufacturer, the mechanic; and the cotton planter more than all. A few months ago there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of

these objects for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this neutral ground? When that is occupied, let us look beyond it, and see if any thing can be done in the field of protection, to modify, to improve it, or to satisfy those who are opposed to the system. Our southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and ruinous to every other section of the Union. However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system and its absolute repeal, there is no principle of union. If it can be shown to operate immoderately on any quarter; if the measure of protection to any article can be demonstrated to be undue and inordinate, it would be the duty of Congress to interpose and apply a remedy. And none will co-operate more heartily than I shall in the performance of that duty. It is quite probable that beneficial modifications of the system may be made without impairing its efficacy. But to make it fulfill the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which it seems to me that a settlement of the great question can be made, satisfactorily to all parts of our Union.

ON THE PUBLIC LANDS

IN SENATE, JUNE 20, 1832.

[It was truly unfortunate for the country that some of Mr. Clay's most beneficent schemes for the public good, should have been frustrated by a jealousy of his fame and influence. This was especially true in the result of his long-protracted endeavor to secure an equitable distribution of the proceeds of the sale of the public domain among the States. This immense property was pledged for the public debt ; but when the national debt was about being paid off, the question arose, What should be done with the proceeds of the sale of the public lands ? In a message to the Twenty-second Congress, General Jackson recommended, that the unsold public lands, lying within any of the States, should be ceded to those States—a policy which, of course, if adopted, would apply to all new States, as they should come into the Union, and which would naturally engender a wild speculation in the settlement of new territories with that view. Nothing could be more unjust to the old thirteen States than this proposal, for it was chiefly at the expense of the Old Thirteen—expense of blood and treasure—that the public domain was acquired. But General Jackson wished to throw out a sop to the new States, where much of his strength lay ; and knowing that Mr. Clay's policy was equal justice to all the States, he rushed into the opposite extreme, apparently for no other reason than to oppose Mr. Clay. The Jackson party, being a majority in the Senate, referred the subject of public lands to the committee on manufactures, of which Mr. Clay was chairman. This, in itself, requires explanation, since the subject naturally belonged to the committee on public lands. Jackson and Clay were both candidates for the presidency, and the Jackson party in the Senate wished to get a report from Mr. Clay on the public lands, which would injure him in the West. Hence the absurd reference of the subject to the committee on manufactures. Mr. Clay, however, as chairman of that committee,

took up the subject, and made a report, which was a perfect disappointment to those who meant to put him in an embarrassing position, and greatly increased his popularity throughout the country. Chagrined by this result, the Senate immediately referred the subject—where it ought to have gone at first, but where it was very improper to send it now—to the committee on public lands. But Mr. Clay's report was the only thing thereafter which could be entertained, in Congress or in the country. It was afterwards passed by both Houses of Congress, and vetoed by General Jackson. With the exception of the loan act, here the subject lay, till a Whig Congress came in with General Harrison, in 1841, when Mr. Clay again brought forward his land bill, which was passed by Congress, in a modified form, adapted to the time. But it was too late to carry out the beneficent plan, which was frustrated by General Jackson's veto. A fair distribution of the proceeds of the public lands among the States would have afforded them great facilities for internal improvement.]

In rising to address the Senate, I owe, in the first place, the expression of my hearty thanks to the majority, by whose vote, just given, I am indulged in occupying the floor on this most important question. I am happy to see that the days when the sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, are not yet to return; and that, when the consideration of a great question has been specially assigned to a particular day, it is not allowed to be arrested and thrust aside by any unexpected and unprecedented parliamentary maneuver. The decision of the majority demonstrates that feelings of liberality, and courtesy, and kindness, still prevail in the Senate; and that they will be extended even to one of the humblest members of the body; for such, I assure the Senate, I feel myself to be.

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the committee on manufactures. I have nothing to do with the motives of honorable senators who composed the majority by which that reference was ordered. The decorum proper in this hall obliges me to consider their motives to have been pure and patriotic. But still I must be permitted to regard the proceeding as very unusual. The Senate has a standing committee on the public lands, appointed under long-established rules. The members of that committee are presumed to be well acquainted with the subject; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it; and four out of five of them come from the new States. Yet, with a full knowledge of all these circumstances, a reference was ordered by a major

ity of the Senate to the committee on manufactures—a committee than which there is not another standing committee of the Senate, whose prescribed duties are more incongruous with the public domain. It happened, in the constitution of the committee of manufactures, that there was not a solitary senator from the new States, and but one from any western State. We earnestly protested against the reference, and insisted upon its impropriety; but we were overruled by the majority, including a majority of senators from the new States. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable senators, I could not be insensible to the embarrassment in which the committee on manufactures was placed, and especially myself. Although any other member of that committee could have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the public lands, it was known that, from my local position, I alone was supposed to have any particular knowledge of them. Whatever emanated from the committee was likely, therefore, to be ascribed to me. If the committee should propose a measure of great liberality toward the new States, the old States might complain. If the measure should seem to lean toward the old States, the new might be dissatisfied. And if it inclined to neither class of States, but recommended a plan according to which there would be distributed impartial justice among all the States, it was far from certain that any would be pleased.

Without venturing to attribute to honorable senators the purpose of producing this personal embarrassment, I felt it as a necessary consequence of their act, just as much as if it had been in their contemplation. Nevertheless, the committee of manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the Senate. And for the causes already noticed, that of preparing a report and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed on my memory; but I found it necessary to re-examine some of the treaties, deeds of cession, and laws, which related to the acquisition and administration of the public lands; and then to think of, and, if possible, strike out some project, which without inflicting injury upon any of the States, might deal equally and justly with all of them. The report and bill submitted to the Senate, after having been previously sanctioned by a majority of the committee, were the results of this consideration. The report, with the exception of the principle of distribution which concludes it, obtained the unanimous concurrence of the committee on manufactures.

This report and bill were hardly read in the Senate before they were violently denounced. And they were not considered by the Senate before a proposition was made to refer the report to that very committee on the public lands to which, in the first instance, I contended the subject ought ve been assigned. It was in vain that we remonstrated against such

a proceeding, as unprecedented, as implying unmerited censure on the committee on manufactures, as leading to interminable references; for what more reason could there be to refer the report of the committee on manufactures to the land committee, than would exist for a subsequent reference of the report of this committee, when made, to some third committee, and so in an endless circle? In spite of all our remonstrances, the same majority, with but little if any variation, which had originally resolved to refer the subject to the committee on manufactures, now determined to commit its bill to the land committee. And this not only without particular examination into the merits of that bill, but without the avowal of any specific amendment which was deemed necessary! The committee on public lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new States of fifteen per centum on the net proceeds of the sales, instead of ten, as proposed by the committee on manufactures, and nothing to the old States.

And now, Mr. President, I desire at this time, to make a few observations in illustration of the original report; to supply some omissions in its composition; to say something as to the power and rights of the general government over the public domain; to submit a few remarks on the counter report; and to examine the assumptions which it contained, and the principles on which it was founded.

No subject which had presented itself to the present, or perhaps any preceding Congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest; but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific ocean, from the Gulf of Mexico to the northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income—during the past year, when the greatest quantity was sold that ever, in one year, had been previously sold, it amounted to less than three millions of acres, producing three millions and a half of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated from increased population, and other causes. We may safely,

however, anticipate that long, if not centuries, after the present day, the representatives of our children's children may be deliberating in the halls of Congress, on laws relating to the public lands.

The subject, in other points of view, challenged the fullest attention of an American statesman. If there were any one circumstance more than all others which distinguished our happy condition from that of the nations of the old world, it was the possession of this vast national property, and the resources which it afforded to our people and our government. No European nation (possibly with the exception of Russia), commanded such an ample resource. With respect to the other republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is, that they adhere to the ruinous and mad system of old Spain, according to which large unsurveyed districts are granted to favorite individuals, prejudicial to them, who often sink under the incumbrance, and die in poverty, while the regular current of emigration is checked and diverted from its legitimate channels.

And if there be in the operations of this government one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the general government, will be more manifest by contrasting it with that of several of the States, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains, and in the present State of Kentucky, over and above her munificent cession to the general government. Pressed for pecuniary means by the revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper money. There was no previous surveys of the waste lands; no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered at various times by different purchasers, so as to be literally shingled over with conflicting claims. The State perhaps sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; while the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky suffered long and severely from this cause; and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The State of Georgia had large bodies of waste lands, which she disposed

of in a manner satisfactory, no doubt to herself, but astonishing to every one out of that commonwealth. According to her system, waste lands are distributed in lotteries, among the people of the State, in conformity with the enactments of the Legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest that neither the present generation, nor posterity, can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it can not fail to engender speculation and a spirit of gambling.

The State of Kentucky, in virtue of a compact with Virginia, acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the example of the parent State, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which, hitherto, the general government alone has firmly resisted, she was tempted to offer her waste land to settlers, at different prices, under the name of head-rights or pre-emptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred of masters obtaining certificates of head-rights in the name of their slaves, and thus securing the land, in contravention of the intention of the Legislature. Slaves, generally, have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read, Tom Black, Jack Black, and so forth. The gentleman from Tennessee (Mr. Grundy), will remember, some twenty-odd years ago, when we were both members of the Kentucky Legislature, that I took occasion to animadvert upon these fraudulent practices, and observed, that when the names came to be alphabeted, the truth would be told, whatever might be the language of the record; for the alphabet would read Black Tom, Black Harry, and so forth. Kentucky realized more in her treasury than the parent State had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But they were far less available than they would have been under a system of previous survey and regular sale.

These observations, in respect to the course of the respectable States referred to, in relation to their public lands, are not prompted by any unkind feelings toward them, but to show the superiority of the land system of the United States.

Under the system of the general government, the wisdom of which, in some respects, is admitted, even by the report of the land committee, the country subject to its operation, beyond the Alleghany mountains, has rap-

idly advanced in population, improvement, and prosperity. The example of the State on Ohio was emphatically relied on by the report of the committee of manufactures—its million of people, its canals, and other improvements, its flourishing towns, its highly-cultivated fields, all put there within less than forty years. To weaken the force of this example, the land committee deny that the population of the State is principally settled upon public lands derived from the general government. But, Mr. President, with great deference to that committee, I must say, that it labors under misapprehension. Three fourths, if not four fifths of the population of that State, are settled upon public lands purchased from the United States, and they are the most flourishing parts of the State. For the correctness of this statement, I appeal to my friend from Ohio (Mr. Ewing), near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the Lake, the Sciota and the Muskingum, are principally settled by persons deriving titles to their land from the United States.

In a national point of view, one of the greatest advantages which these public lands in the West, and this system of settling them, affords, is the resource which they possess against pressure and want, in other parts of the Union, from the vocations of society being too closely filled, and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer, of the acquisition of fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the Union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the West. They apply the axe to the forest, which falls before them, or the plow to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new comers, at a great advance, and proceed further west, with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds, the first pushing on westwardly the previous settlers, who, in their turn, sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way thousands, and tens of thousands, are daily improving their circumstances, and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold, standing together, the first rude cabin of round and unhewn logs, and wooden chimneys, the hewed log house, chinked and shingled, with stone or brick chimneys, and, lastly, the comfortable brick or stone dwelling,

each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty, to ourselves, and to posterity, enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, holden by the general government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience

It has been only within a few years, that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws, the great State of the west is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the general government, in the administration of the public lands, extended alike to her and to the other new States. There are no petitions from, no movements in Ohio, proposing vital and radical changes in the system. During the long period, in the House of Representatives, and in the Senate, that her upright and unambitious citizen, the first representative of that State, and afterward successively senator and governor, presided over the committee on public lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he acted, ever commanded or deserved the implicit confidence of Congress, more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old States and the new. A few artless but sensible words, pronounced in his plain Scotch-Irish dialect, were always sufficient to insure the passage of any bill or resolution which he reported. For about twenty-five years, there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the whole population of the United States, because the western States nearest to, or including the public lands, populate much more rapidly than other parts of the Union; and it will be from them that the greatest current of emigration will flow. At this moment, Ohio, Kentucky, and Tennessee, are the most migrating States in the Union.

To supply the constantly-augmenting demand, the policy, which has hitherto characterized the general government, has been highly liberal both toward individuals and the new States. Large tracts, far surpassing the demand of purchasers, in every climate and situation, adapted to the wants of all parts of the Union, are brought into market at moderate prices, the government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dollars any poor man may purchase forty acres of first-rate land; and, for less than the wages of one year's labor, he may buy eighty acres. To the new States, also, has the government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt, contracted for the purchase of lands, by the citizens of those States, who were tempted, in a spirit of inordinate speculation, to purchase too much, or at too high prices.

Such is a rapid outline of this invaluable national property, of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such, who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands, within a few years past. One of these pretensions is, an assumption of the sovereign right of the new States to all the lands within their respective limits, to the exclusion of the general government, and to the exclusion of all the people of the United States, those in the new States only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice, of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri (Mr. Benton), to graduate the public lands, to reduce the price, and cede the "refuse" lands (a term which I believe originated with him), to the States within which they lie. Prompted, probably, by these propositions, a late governor of Illinois, unwilling to be outdone, presented an elaborate message to the Legislature of that State, in which he gravely and formally asserted the right of that State to all the land of the United States, comprehended within its limits. It must be allowed that the governor was a most impartial judge, and the Legislature a most disinterested tribunal, to decide such a question.

The senator from Missouri was chanting most sweetly to the tune, "refuse lands," "refuse lands," "refuse lands," on the Missouri side of the Mississippi, and the soft strains of his music, having caught the ear of his excellency on the Illinois side, he joined in chorus, and struck an octave higher. The senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the governor resolved to grasp the whole loaf. The senator modestly claimed only an old, smoked, re-

jected joint; but the stomach of his excellency yearned after the whole hog! The governor peeped over the Mississippi into Missouri, and saw the senator leisurely roaming in some rich pastures, on bits of refuse lands. He returned to Illinois, and springing into the grand prairie, determined to claim and occupy it, in all its boundless extent.

Then came the resolution of the senator from Virginia (Mr. Tazewell), in May, 1826, in the following words:

"Resolved, that it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States."

The latter words rendered the resolution somewhat ambiguous; but still it contemplated a cession and surrender. Subsequently, the senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the Legislature, in support of education and the internal improvement of the State.

[Here Mr. Tazewell controverted the statement. Mr. Clay called to the secretary to hand him the journal of April, 1828, which he held up to the Senate, and read from it the following:

"The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the States in which they lie, being under consideration—

"Mr. Tazewell moved to insert the following as a substitute:

"That the lands which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same is, ceded to the State in which the same may lie, to be applied by the Legislature thereof in support of education, and the internal improvement of the State."]

Thus it appears not only that the honorable senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the general government. For this liberal disposition on his part, I believe it was, that the State of Missouri honored a new county with his name. If he had carried his proposition, that State might well have granted a principality to him.

The memorial of the Legislature of Illinois, probably produced by the message of the governor already noticed, had been presented, asserting a claim to the public lands. And it seems (although the fact had escaped my recollection until I was reminded of it by one of her senators, Mr. Hendricks, the other day) that the Legislature of Indiana had instructed her senators to bring foward a similar claim. At the last session, however, of the Legislature of that State, resolutions had passed, instructing her delegation to obtain from the general government cessions of the unappro-

priated public lands, on the most favorable terms. It is clear from this last expression of the will of that Legislature, that, on reconsideration, it believed the right to the public lands to be in the general government, and not in the State of Indiana. For, if they did not belong to the general government, it had nothing to cede; if they belonged already to the State, no cession was necessary to the perfection of the right of the State.

I will here submit a passing observation. If the general government had the power to cede the public lands to the new States for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations for similar purposes in behalf of the old States. Its power can not be without limit as to the new States, and circumscribed and restricted as to the old. Its capacity to bestow benefits or dispense justice is not confined to the new States, but is coextensive with the whole Union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding States, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new States, is founded on the notion, that as the old States, upon coming out of the revolutionary war, had or claimed, a right to all the lands within their respective limits; and as the new States have been admitted into the Union on the same footing and condition in all respects with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary States had not waste lands; that some had but very little, and others none. It forgets that the right of the States to the waste lands within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the States. It forgets that in consequence of this right, asserted in behalf of the whole Union, the States that contained any large bodies of waste lands (and Virginia, particularly, that had the most) ceded them to the Union, for the equal benefit of all the States. It forgets that the very equality which is the basis of the argument, would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary States will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the States; and those same lands will enure to the benefit of the new States exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of States. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the Revolution, they will have none, and the new States all. And this in the name and for the purpose of equality among all the members of the confederacy! What,

especially, would be the situation of Virginia? She magnanimously ceded an empire in extent for the common benefit. And now it is proposed not only to withdraw that empire from the object of its solemn dictation, to the use of all the States, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new States carved out of it.

If the new States had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the Union, for the common benefit of all the States. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old States.

The committee on manufactures has clearly shown, that if the right were recognized in the new States now existing, to the public land within their limits, each of the new States, as they might hereafter be successively admitted into the Union, would have the same right; and, consequently, that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the Union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the Revolution, founded upon solemn deeds of cession from sovereign States, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new States at the very instant of their parturition. They admitted and recognized it with their first breath. They hold their stations, as members of the confederacy, in virtue of that admission. The senators who sit here, and the members in the House of Representatives from the new States, deliberate in Congress with other senators and representatives, under that admission. And since the new States came into being, they have recognized this right of the general government by innumerable acts—

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the States;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants of the public lands from the general government.

The existence of the new State is a falsehood, or the right of all the States to the public domain is an undeniable truth. They have no more right to the public lands, within their particular jurisdiction, than other States have to the mint, the forts and arsenals, or public ships, within theirs,

or than the people of the District of Columbia have to this magnificent capitol, in whose splendid halls we now deliberate.

The equality contended for between all the States now exists. The public lands are now held, and ought to be held and administered for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instill erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky and of Ohio, and of all the States in the Union, have an equal right with the citizens of those three States, in the public lands. If the possibility of an event so direful as a severance of this Union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity; if three confederacies were formed out of its fragments, do you imagine that the western confederacy would consent to have the States including the public lands hold them exclusively for themselves? Can you imagine that the States of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood, before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old States, unequal as to all, would be injurious to the new States themselves, in whose behalf it has been put forth, if it were recognized. The interest of the new States is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half, or Indiana, instead of the fifteen millions, or even for Illinois, instead of the thirty-one or thirty-two millions, or Missouri instead of the thirty-eight millions, within their respective limits, to retain their interest, in those several qualities, and also to retain their interest in common with the other members of the Union, in the countless millions of acres that lie west, or north-west, beyond them?

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the land committee, in their report, in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them; the first is, "because the new States have a clear right to participate in the benefits of a reduction of the revenue to the wants of the government, by getting the reduction extended to the article of revenue chiefly used by them." Here is a renewal of the attempt made early in the session, to confound the public lands with foreign imports, which was so successfully exposed and refuted by the report of the committee on manufactures.

Will not the new States participate in any reduction of the revenue, in common with the old States, without touching the public lands? As far

as they are consumers of objects of foreign import, will they not equally share the benefit with the old States? What right, over and above that equal participation, have the new States to a reduction of the price of the public lands? As States, what right, much less what "clear right" have they to any such reduction? In their sovereign or corporate capacities, what right? Have not all the stipulations between them, as States, and the general government, been fully complied with? Have the people within the new States, considered distinct from the States themselves, any right to such a reduction. Whence is it derived? They went there in pursuit of their own happiness. They bought lands from the public because it was their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peaceably, acquire any, and what right in the land which they did not buy? But it may be argued that by settling and improving these lands the adjacent public lands are enhanced. True; and so are their own. The enhancement of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value. The public, like all other land-holders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value upon the residue. And, like all other land proprietors, it has the right to ask more for that residue; but it does not, and, for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new States chiefly consume. In another part of this report, liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted; because it is said, more revenue could be collected from the settlers, as consumers, than from the lands. Here it seems that the public lands are the articles of revenue chiefly consumed by the new States.

With respect to lands yet to be sold, they are open to the purchase alike of emigrants from the old States, and settlers in the new. As the latter have most generally supplied themselves with lands, the probability is, that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such a reduction existing in the new States. It is a question common to all, and to be decided in reference to the interest of the whole Union.

Second. "Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination, for the relief of the States in which they lie."

The payment of the public debt is conceded to be near at hand; and it

is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the committee on manufactures, and to which I shall hereafter more particularly call the attention of the Senate. But it did not seem just to that committee, that this new and liberal destination of them should be restricted "for the relief of the States in which they lie," exclusively, but should extend to all the States indiscriminately, upon principles of equitable distribution.

Third. "Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of very little actual value, and are only fit to be given to settlers, or abandoned to the States in which they lie."

According to an official statement, the total quantity of public land which has been surveyed up to the 31st of December last, was a little upward of one hundred and sixty-two millions of acres. Of this, a large proportion, perhaps even more than the one hundred millions of acres stated in the land report, has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement, also, is twenty-five million two hundred and forty-two thousand five hundred and ninety acres. Thus after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upward of one hundred millions of the surveyed lands remain to be sold. The argument of the report of the land committee assumes, that "nearly one hundred millions are the refuse of sales and donations," are of very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie.

Mr. President, let us define as we go—let us analyze. What do the land committee mean by "refuse land?" Do they mean worthless, inferior, rejected land, which nobody will buy at the present government price? Let us look at facts, and make them our guide. The government is constantly pressed by the new States to bring more and more lands into the market; to extinguish more Indian titles; to survey more. The new States themselves are probably urged to operate upon the general government by emigrants and settlers, who see still before them, in their progress west, other new lands which they desire. The general government yields to the solicitations. It throws more land into the market, and it is annually and daily preparing additional surveys of fresh lands. It has thrown, and is preparing to throw, open to purchasers already one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the government is called upon, by some of the very persons who urged the exhibition of this vast amount to

sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse. Is this right? If there had been five hundred millions in market, there probably would not have been more or much more sold. But I deny the correctness of the conclusion that it is worthless because not sold. It is not sold because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn from thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more propriety be said to have "refused" or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible, that out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the State of Illinois as an example. Of all the States in the Union, that State probably contains the greatest proportion of rich, fertile lands; more than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three millions and a half of public lands in Illinois, a little more only than two millions have been sold. Is the residue of thirty-one millions all refuse land? Who that is acquainted in the West can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water-power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worthless in the hands of the general government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new States? "Only fit to be given to settlers!" What settlers would thank you? what settlers would not scorn a gift of refuse, worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any State in which it is to be found in large quantities, that State would be Ohio. It is the oldest of the new States. There the public lands have remainded longer exposed in the market. But there we find only five millions and a half to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that State, made during the present year. It is in a paper, entitled the Ohio Republican, published in Zanesville, the 26th of May, 1832. The article is headed "refuse land," and it states: "It has suited the interest of some to represent the lands of the United States which have remained in market for

many years as mere 'refuse,' which can not be sold; and to urge a rapid reduction of price, and the cession of the residue, in a short period, to the States in which they are situated. It is strongly urged against this plan that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers in a few years; instead of their being able forever, as it may be said is the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the Gazette the following statement of recent sales in the Zanesville district, one of the oldest districts in the West. The sales at the Zanesville land-office, since the commencement of the present year, have been as follows: January, seven thousand one hundred and twenty dollars and eighty cents; February, eight thousand five hundred and forty-two dollars and sixty-seven cents; March, eleven thousand seven hundred and forty-four dollars and seventy-five cents; April, nine thousand two hundred and nine dollars and nineteen cents; and since the first of the present month about nine thousand dollars' worth have been sold, more than half of which was in forty acre lots." And there can not be a doubt that the act, passed at this session, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought in Illinois last fall about two thousand acres of this refuse land at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land, of one hundred and sixty acres, at second or third hand, entered a few years ago, and which is now estimated at one thousand nine hundred dollars. It is a business, a very profitable business, at which fortunes are made in the new States, to purchase these refuse lands, and, without improving them, to sell them at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing States have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise, if the public land was dealt out by government with a sparing, grudging, griping hand. But they are liberally offered, in exhaustless quantities, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward and emphatically dwelt on by the committee of manufactures, stand in their full force, unaffected by any thing stated in the report of the land committee. These facts must carry conviction to every unbiased mind, that will deliberately consider them. The first is, the rapid increase of the new States, far outstripping the old, averaging annually an increase of eight and a half per centum, and doubling, of course,

in twelve years. One of these States, Illinois, full of refuse land, increasing at the rate of eighteen and a half per centum! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is, the vast increase in the annual sales—in 1830, rising of three millions. Since the report of the committee on manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, three million five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents! Their progressive increase baffles all calculation. Would this happen, if the price were too high?

It is argued, that the value of different townships and sections is various; and that it is, therefore, wrong to fix the same price for all. The variety in the quality, situation, and advantages, of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The presumption of inferiority, and of refuse land, founded upon the length of time that the land has been in market, is denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides in some degree for the variety in the value, since each purchaser pushes the land up to the price, which, according to his opinion, it ought to command. But if the price demanded by government is not too high for the good land (and no one can believe it), why not wait until that is sold, before any reduction in the price of the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be, to carry the latter up to that of the former. Until the good land is sold there will be no purchasers of the bad; for, as has been stated in the report of the committee on manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first-rate land, than accept refuse and worthless land as a present.

"Fourth. Because the speedy extinction of the federal title within their limits is necessary to the independence of the new States, to their equality with the elder States; to the development of their resources; to the subjection of their soil to taxation, cultivation, and settlement, and to the proper enjoyment of their jurisdiction and sovereignty."

All this is mere assertion and declamation. The general government, at a moderate price, is selling the public land as fast as it can find purchasers. The new States are populating with unexampled rapidity; their condition is now much more eligible than that of some of the old States. Ohio, I am sorry to be obliged to confess, is, in internal improvement and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. How have her growth and prosperity, her independence, her equality with the elder States, the development of her resources, the tax

ation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the federal title within her limits? The federal title! It has been a source of blessings and of bounties, but not one of real grievance. As to the exemption from taxation of the public lands, and the exemption for five years of those sold to individuals, if the public land belonged to the new States, would they tax it? And as to the latter exemption, it is paid for by the general government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new States themselves, by holding out a motive to emigrants to purchase and settle within their limits.

"Sixth. Because the ramified machinery of the land-office department, and the ownership of so much soil, extends the patronage and authority of the general government into the heart and corners of the new States, and subjects their policy to the danger of a foreign and powerful influence."

A foreign and powerful influence! The federal government a foreign government! And the exercise of a legitimate control over the national property, for the benefit of the whole people of the United States, a deprecated penetration into the heart and corners of the new States! As to the calamity of the land offices, which are held within them, I believe that is not regarded by the people of these States with quite as much horror as it is by the land committee. They justly consider that they ought to hold those offices themselves, and that no persons ought to be sent from the other foreign States of this Union to fill them. And if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the land committee mean by the authority of this foreign, federal government? Surely, they do not desire to get rid of the federal government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new States. Its action will still remain in a thousand forms, and the heart and corners of the new States will still be invaded by post-offices, and postmasters and post-roads, and the Cumberland road, and various other modifications of its power.

"Because the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new States and Territories, by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable —such as never can be paid—and the bare attempt to raise which, must drain, exhaust, and impoverish these States, and give birth to the feelings, which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free States."

In another part of this report the committee say, speaking of the immense revenue alleged to be derivable from the public lands, "this ideal revenue is estimated at four hundred and twenty-five millions of dollars,

for the lands now within the limits of the States and Territories, and at one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars for the whole federal domain. Such chimerical calculations preclude the propriety of argumentative answers." Well, if these calculations are all chimerical, there is no danger, from the preservation of the existing land system, of draining, exhausting and impoverishing the new States, and of exciting them to rebellion.

The manufacturing committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one half of that price; and added, that, although there might be much land that would never sell at one dollar and a quarter per acre, "as fresh lands are brought into market and exposed to sale at auction, many of them sell at prices exceeding one dollar and a quarter per acre." They concluded by remarking, that the least favorable view of regarding them, was to consider them a capital yielding an annuity of three millions of dollars at this time; that, in a few years, that annuity would probably be doubled, and that the capital might then be assumed as equal to one hundred millions of dollars.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the States alone in which they are situated, but by emigrants from all the States. And it will be raised, not in a single year, but in a long series of years. It would have been impossible for the State of Ohio to have paid, in one year, the millions that have been raised in that State, by the sale of public lands; but in a period of upward of thirty years, the payment has been made, not only without impoverishing, but with the constantly-increasing prosperity of the State.

Such, Mr. President, are the reasons of the land committee, for the reduction of the price of the public lands. Some of them had been anticipated and refuted in the report of the manufacturing committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration urged in that report, against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the Union, and that in the western States especially. That such would be the necessary consequence, no man can doubt, who will seriously reflect upon such a measure as that of throwing into market, immediately, upward of one hundred and thirty millions of acres, and at no distant period upward of two hundred millions more, at greatly reduced rates.

If the honorable chairman of the land committee (Mr. King), had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself

of another's aid, and the hand of the senator from Missouri (Mr. Benton), is as visible in the composition, as if his name had been subscribed to the instrument. We hear again, in this paper, of that which we have so often heard repeated before in debate, by the senator from Missouri—the sentiments of Edmund Burke. And what was the state of things in England, to which those sentiments were applied?

England has too little land, and too many people. America has too much land for the present population of the country, and wants people. The British crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the crown lands, that they might be peopled and cultivated, and that the royal family should be put on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the crown lands of the British sovereign, and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market, to all who want them, at moderate prices? The complaint is, that they are not sold fast enough, in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the land committee, patience! The new States are daily rising in power and importance. Some of them are already great and flourishing members of the confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization.

The report of the land committee proceeds to notice and to animadvert upon certain opinions of a late Secretary of the Treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the committee on manufactures. That report has before been the subject of repeated commentary in the Senate, by the senator from Missouri, and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draft of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusation. But knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I can not suppose the senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question, because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the House of Representatives, representing the district in which I reside, which letter, more than a year ago, was published in the western papers.

I shall say nothing in defense of myself, nothing to disprove the charge of my cherishing unfriendly feelings and sentiments toward any part of the

West. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such an imputation, nothing that I could here say would refute it.

But I will say something in defense of the opinions of my late patriotic and enlightened colleague, not here to speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the protective policy—the American system. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says:

"The manner in which the remote lands of the United States are selling and settling, while it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. * * * Any thing that may serve to hold back this tendency to diffusion from running too far and too long into an extreme, can scarcely prove otherwise than salutary. * * * If the population of these (a majority of the States, including some western States), not yet redundant in fact, though appearing to be so, under this legislative incitement to emigrate, remain fixed in more instances, as it probably would be by extending the motives to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital, and next, by the general reduction of the excess of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, to turn this stream of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force."

Now, Mr. President, what is there in this view adverse to the West, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigrate, produced by our laws. Does he propose to change those laws in that particular? Does he propose any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says, that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigrate arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the Union, the West as well as the rest, is interested, thus presenting an option to population to engage in manufactures or in agriculture, at its own discre-

tion. And does such an option afford just ground of complaint to any one? Is it not an advantage to all? Do the land committee desire (I am sure they do not) to create starvation in one part of the Union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his whole country, and at all parts of it; and that while he desired the prosperity and growth of the West to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never would emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase, as the good vacant lands of the West are removed, by intervening settlements further and further from society, as it is now located. It is, I believe, Dr. Johnson who pronounces, that of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself, mountains, and seas, and rivers, are impediments. The want of pecuniary means, the expenses of the outfit, subsistence and transportation of a family, is no slight circumstance. When all these difficulties are overcome (and how few, comparatively, can surmount them!) the greatest of all remains—that of being torn from one's natal spot—separated, forever, from the roof under which the companions of his childhood were sheltered, from the trees which have shaded him from summer's heats, the spring from whose gushing fountain he has drunk in his youth, the tombs that hold the precious relics of his venerated ancestors!

But I have said, that the land committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the committee on manufactures against the proposed reduction of the price of the public lands. What is that reasoning? Here it is; it will speak for itself; and without a single comment will demonstrate how different it is from that of the late Secretary of the Treasury, unexceptionable as that has been shown to be.

"The greatest emigration (says the manufacturing committee) that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effect of a material reduction in the price of the public lands, would be, first to lessen the value of real estate in those three States; secondly to diminish their interest in the public domain, as a common fund for the benefit of all the States; and, thirdly, to offer what would operate as a bounty to further emigation from those States, occasioning more and more lands, situated within them, to be thrown into the market, thereby not only lessening the value of their lands, but draining them, both of their population and labor."

There are good men in different parts, but especially in the Atlantic por-

tion, of the Union, who have been induced to regard lightly this vast national property; who have been persuaded that the people of the West are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation, and that it is not worth present care and preservation. But these are radical mistakes. The great body of the West are satisfied, perfectly satisfied, with the general administration of the public lands. They would indeed like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this, provision is made by the bill to which I will hereafter call the attention of the Senate. But the great body of the West have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what government, what order of human society, in which a few do not desire change?

It is one of the admirable properties of the existing system, that it contains within itself, and carries along, principles of conservation and safety. In the progress of its operation, new States become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old State in the Union, in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold, within her limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt, that now, the people of the other new States, left to their own unbiased sense of equity and justice, would form the same judgment. They can not believe that what they have not bought, what remains the property of themselves and all their brethren of the United States, in common, belongs to them exclusively. But if I am mistaken, if they have been deceived by erroneous impressions on their mind, made by artful men, as the sales proceed, and the land is exhausted, and their population increased, like the State of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will be then left in their own limits.

And now, Mr. President, I have to say something in respect to the particular plan brought forward by the committee on manufactures, for a temporary appropriation of the proceeds of the sales of the public lands.

The committee say that this fund is not wanted by the general government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the general government is absolutely embarrassed in providing against an enormous surplus in the treasury. While this is the condition of the federal government, the States are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the general government are limited; those of the States are ample. If those limited powers authorized

an application of the fund to some objects, perhaps there are some others, of more importance, to which the powers of the States would be more competent, or to which they may apply a more provident care.

But the government of the whole and of the parts, at last is but one government of the same people. In form they are two, in substance one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively intrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by these two systems. When the States are full-handed, and the coffers of the general government are empty, the States should come to the relief of the general government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case, the States wanting what is almost a burden to the general government, the duty of this government is to go to the relief of the States.

They were views like these which induced a majority of the committee to propose the plan of distribution, contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several States, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least for any considerable time, of revenue from duties, by suitable legislation, lowering or augmenting the imposts; but it can not stop the sales of the public lands, without the exercise of arbitrary and intolerable power. The powers of Congress over the public lands are broader and more comprehensive, than those which they possess over taxatien, and the money produced by it.

This brings me to consider, first, the power of Congress to make the distribution. By the second part of the third section of the fourth article of the Constitution, Congress "have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left applicable to any object or purpose which the wisdom of Congress shall deem fit, acting under its high responsibility.

The government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries, to any object which the good of the Union may seem to indicate? If there be a restraint in the Constitution, where is it, what is it?

The uniform practice of the government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great

variety of purposes. To States for education, internal improvements, pub lic buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to pre-emptioners; to General Lafayette, and so forth.

The deeds from the ceding States, far from opposing, fully warrant the distribution. That of Virginia ceded the land as "a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said States, Virginia inclusive." The cession was for the benefit of all the States. It may be argued that the fund must be retained in the common treasury, and thence paid out. But, by the bill reported, it will come into the common treasury, and then the question, how it shall be subsequently applied for the use and benefit of such of the United States as compose the confederacy, is one of modus only. Whether the money is disbursed by the general government directly, or is paid out upon some equal and just principle, to the States, to be disbursed by them, can not affect the right of distribution. If the general government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the States themselves? If the States expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several States are organs of the expenditure; for the whole and all the parts are identical. And whatever redounds to the benefit of all the parts, necessarily contributes, in the same measure, to the benefit of the whole. The great question should be, is the distribution upon equal and just principles? And this brings me to consider,

Secondly, the terms of the distribution proposed by the bill of the committee on manufactures. The bill proposes a division of the net proceeds of the sales of the public lands, among the several States composing the Union, according to their federal representative population, as ascertained by the last census; and it provides for new States that may hereafter be admitted into the Union. The basis of the distribution, therefore, is derived from the Constitution itself, which has adopted the same rule, in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended, in the land report, that the revolutionary States which did not cede their public lands ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the States. Nor has the objection any just foundation, when applied to the public lands derived from Virginia, and the other ceding States; because, by the terms of the deeds, the cessions were made for the use and benefit of all the States. The ceding States having made no exception of any State, what right has the general government to interpolate in the deeds,

and now create an exception? The general government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now expended? It comes into the common treasury, and is disbursed for the common benefit, without exception of any State. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue, under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of States, the old and the new, must be manifest to the Senate. It proposes to assign to the new States, besides the five per centum stipulated for in their several compacts with the general government, the further sum of ten per centum upon the net proceeds. Assuming the proceeds of the last year, amounting to three millions five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents, as the basis of the calculation, I hold in my hand a paper which shows the sum that each of the seven new States would receive. They have complained of the exemption from taxation of the public lands sold by the general government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per centum per annum, the additional revenue which they would raise, would be only eight and a half per centum per annum; that is to say, a State now collecting a revenue of one hundred thousand dollars per annum, would collect only one hundred and eight thousand five hundred, if it were to tax the lands recently sold. But by the bill under consideration, each of the seven new States will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought, that to set apart ten per centum to the new States, in the first instance, is too great a proportion, and is unjust toward the old States. But it will be recollected that, as they populate much faster than the old States, and as the last census is to govern in the apportionment, they ought to receive more than the old States. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

After the deduction shall have been made of the fifteen per centum allotted to the new States, the residue is to be divided among the twenty-four States, old and new, composing the Union. What each of the States would receive is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one sixth to what is set down in that table as the proportion of the several States.

If the power and the principle of the proposed distribution be satisfactory to the Senate, I think the objects can not fail to be equally so. They are education, internal improvements, and colonization, all great and beneficent objects, all national in their nature. No mind can be cultivated and improved; no work of internal improvement can be executed in any

part of the Union, nor any person of color transported from any of its ports, in which the whole Union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The States, each judging for itself, will select among the objects enumerated in the bill, that which comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for internal improvement; some to new objects of internal improvement; others to education, and others again to colonization. It may be supposed possible that the States will divert the fund from the specified purposes. But against such a misapplication we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous, appropriations.

It has been argued that the general government has no power in respect to colonization. Waiving that, as not being a question at this time, the real inquiry is, have the States themselves any such power? For it is to the States that the subject is referred. The evil of a free black population, is not restricted to particular States, but extends to, and is felt by, all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction, that the general government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The States in which slavery is tolerated, have exclusively in their own hands the entire regulation of the subject. But the slave States differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The Legislature of Kentucky, I believe unanimously, recommended the encouragement of colonization to Congress.

Should a war break out during the term of five years, that the operation of the bill is limited to, the fund is to be withdrawn and applied to the vigorous prosecution of the war. If there be no war, Congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made, on this great subject of the public lands, during the present session of Congress, besides that of the Secretary of the Treasury at its commencement—two in the Senate and one in the House. All three of them agree, first, in the preservation of the control of the general government over the public lands; and, secondly, they concur in rejecting the plan of a cession of the public lands to the States in which they are situated, recommended by the secretary. The land committee of the Senate propose an assignment of fifteen per centum of the net proceeds, besides the five per centum stipulated in the compacts, (making together twenty per centum), to the new States, and nothing to the old.

The committee on manufactures of the Senate, after an allotment of an additional sum of ten per centum to the new States, propose an equal dis-

tribution of the residue among all the States, old and new, upon equitable principles.

The Senate's land committee, besides the proposal of a distribution, restricted to the new States, recommends an immediate reduction of the price of "fresh lands," to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upward in market.

The land committee of the House is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few more words to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious Union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the proceeds of that great resource, among the several States, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The States will feel and recognize the operation of the general government, not merely in power and burdens, but in benefactions and blessings. And the general government in its turn will feel, from the expenditure of the money which it dispenses to the States, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that preserving the regulation of it by the will of the whole, for the advantage of the whole, it may it be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

THE NORTH-EASTERN BOUNDARY

IN SENATE, JULY 10, 1832.

[Mr. Clay, both as Commissioner at Ghent and as Secretary of State under Mr. J. Q. Adams, had had this subject of the North-eastern Boundary under official advisement, and was, therefore, well qualified to speak upon it. President Jackson, as Mr. Clay thought, had asked advice of the Senate prematurely, as no treaty had been made. He submitted only the award of the King of the Netherlands, which seemed to amount only to a recommendation. This award was far from being acceptable to the State of Maine, or to the country generally. Much time had elapsed, and political changes of considerable import had occurred in the position of the King of the Netherlands, since this question had been submitted to him. It was a serious question, even if he were not disqualified to act by these changes. Mr. Clay did not consider that the subject could then be acted upon by the Senate, as a part of the treaty-making power; and his opinion had influence in that body. The whole subject was finally given the go-by, and the controversy was at last settled in 1842 by Lord Ashburton and Mr. Webster, which gave repose to both countries, after an agitation of nearly thirty years.

Intending to express, in a few words, my sentiments on this subject, I have thought I might as well embrace this occasion to do it. The president has called upon the Senate for its advice, as to the award of the King of the Netherlands, respecting the north-eastern boundary of the United States. This call upon the Senate is made, not in its legislative character, but as a component part of the treaty-making power. If the senate, therefore, should give any advice on the matter, it must act in its executive capacity, and according to those rules which govern it when so acting. Among these, is that which requires the concurrence of two thirds of the senators present.

The language of the Constitution, taken literally, would perhaps require a participation of the Senate in the original formation of all treaties. The

words are, "he (the president) shall have power by and with the advice and consent of the Senate, to make treaties; provided two thirds of the senators present concur." In the early stages of his administration, General Washington endeavored to execute this part of the Constitution according to its literal interpretation; but he soon found it impracticable, and abandoned it. The difficulty of consulting so large a body, as to the instructions to be given to a foreign minister; the variety of propositions which may be interchanged in the progress of a negotiation, and the inconvenience of a perpetual recurrence to the Senate for its opinion upon each of them, beside other considerations, rendered it altogether inexpe dient to take the advice and consent of the Senate previously to the conclusion of treaties. When concluded, President Washington thought the purport of the Constitution would be satisfied by submitting them to the Senate; as they could not be said to be made, in the language of the Constitution, until the Senate gave its constitutional concurrence to their becoming obligatory national compacts.

Accordingly, from an early period, in the first term of his administration down to the present time, the settled and uniform practice of the executive government has been, to open negotiations with foreign powers, and to conclude such treaties as the president conceives the interests of this country demand. When so concluded, they are submitted to the Senate for its constitutional advice and consent. And the extent of any agency which the Senate exercises, in the formation of a treaty, is limited to proposing, as was done in the treaty of Mr. Jay, in 1794, amendments to the treaty. These become the subject of future negotiation.

To this established practice of the government, the present administration has hitherto, itself, conformed. And I presume it is not intended to change it, and to revive the impracticable course which General Washington was compelled to abandon, from experience.

What, then, are the circumstances of the case which the president has brought here for the consideration of the Senate? In virtue of several treaties between the United States and Great Britain, on all of which treaties the Senate had regularly acted and given its advice and consent, the disputed north-eastern boundary was submitted to the decision of the King of the Netherlands, as the arbitrator between the two contracting parties, to decide the controversy. The king has pronounced his judgment, and communicated his award to each of the parties. Various questions have been started as to the validity of this instrument. Such as, whether it was intended as a decision binding the parties; whether it does not transcend the authority vested in the king, by the terms of the submission; whether it can be regarded as any thing more than the advice or recommendation of the king as to a suitable boundary, which either party is at liberty to adopt or not, at his discretion?

Whatever may be the real character of this royal act, no treaty, in consequence of it, has been concluded between the United States and Great

Britain, as far as the Senate is advised. It stands upon its own isolated ground. The president has asked the Senate to advise him whether he shall sanction the award, and the report of the committee on foreign relations, now before us, recommends that the government of Great Britain be notified of the acquiescence in it by the government of the United States.

Now, Mr. President, it seems to me, that, in the present state of the transaction, there is nothing brought by the president to our consideration, on which the Senate, as a part of the treaty-making or executive power, can constitutionally act. There is no treaty presented to us for our advice and consent, not even a negotiation proposed, nor, in short, any basis whatever for the action of the Senate. If the award of the King of the Netherlands be binding, it derives its validity from the consent of the parties referring the question to him, and from his having decided the case, in conformity with the terms of the submission. If he has not decided it, or if in deciding it he has transcended the terms of the submission, it is not binding and obligatory. The president being the only constitutional organ of the people of the United States, in all communications with foreign powers, and moreover charged with the execution of the laws and treaties of the United States, is bound to notify the British government what are the executive views in relation to the award. If he tells that government that this does not hold itself bound by the award, a negotiation would probably take place between the parties. If, on the contrary, the president notifies the British government that the United States are bound by the award, he would have to come to Congress for its legislative aid in carrying into effect the award. And should he so come, the question of the validity of the award would be as open to the examination of Congress as it had been to the president. So, if any negotiation which may be opened with Great Britain, in relation to the award, should terminate in the conclusion of a treaty, the president would be bound to submit that treaty to the Senate for its constitutional advice and consent. The president not having applied to Congress for any act of legislation, and having submitted no treaty or national compact, in any form, to this body, I think there is nothing before us on which we can constitutionally act; and that any advice which, under these circumstances, we might offer to the president, would have no warrant or authority in the Constitution of the United States. I can not, therefore, consent to vote for the resolution reported by the committee on foreign relations, or to concur in the adoption of any other resolution which would imply the right of the Senate to express any opinion on the matter in its present state and condition.

While this is my deliberate judgment, I have no hesitation to offer to the president, if he would attach any consequence to them, my views and opinions, as a private citizen, on the whole matter of the north-eastern boundary. At Ghent, Great Britain did not assert any right to the territory to which she subsequently set up a claim. She sought there to obtain by negotiation, and exchange of territory with the United States, a passage

within her own jurisdiction from Nova Scotia and New Brunswick to Quebec. The British commissioners were told by the American, on that occasion, that they had no power to cede away or exchange any part of the territory of Massachusetts, which then included Maine. As there were many parts of the long line of boundary between the United States and Great Britain unsettled and unmarked, it became necessary to have it correctly ascertained and defined. For this purpose several boards of commissioners were provided for by the treaty of Ghent, in the same manner as a similar board had been created by a previous treaty. Most of these boards have amicably and satisfactorily settled the questions respectively submitted to them. That to which was referred the boundary now in dispute could not agree. Before this board, Great Britain brought forward and claimed as her right, that which she had sought to obtain by negotiation only, at the conferences of Ghent. And the perseverance with which she has prosecuted her pretensions, and the apparent success with which they have been so far finally crowned, demonstrate that there never need be despair in any cause, however bad.

During my service in an executive department, it became my duty to examine into this claim asserted by Great Britain; and the result was a firm persuasion and a strong conviction that it was unfounded, and that the right to the disputed territory was in the State of Maine. It is true that, in the treaty of peace of 1783, owing to the imperfect knowledge possessed of the country through which the boundary runs, there is some defective description, but the intention of the parties I think is clear, and according to that intention the right is with Maine, and not in Great Britain. It is altogether unnecessary, upon this occasion, to proceed to state all the grounds and considerations which brought my mind to that conclusion. By doing so, I should be trespassing upon the Senate too much.

The commissioners not having been able to settle the question, the *casus fœderis*, provided for in former treaties, arose, and it became necessary to submit the question to an arbiter. The King of the Netherlands was selected for that purpose, and we all know the subsequent events. The statements, arguments, and papers of the parties, were all prepared within the two countries respectively, and transmitted to Holland, where they were submitted to the king. In consenting to refer the question, the late administration was impelled by the duty of respecting the national faith, as pledged in solemn treaties. And although the King of the Netherlands was not the first choice of either party, high confidence was reposed in his independence, and in his ability, and integrity, by the late president of the United States.

With respect to the conduct of the arbitration on the part of our government, there are some circumstances to be deeply regretted. The plan adopted by the late administration was to have retained Mr. Hughes at the Hague, elevated him to the rank of minister plenipotentiary, and send out Mr. Preble as a public agent to be associated with him. I scarcely know

any man so well qualified for such a service as Mr. Hughes. He had the benefit of much diplomatic experience, and he had been very successful in various negotiations which he had conducted. Commencing his career as secretary of the commission at Ghent, he subsequently had creditably represented his government at Stockholm, and at St. Petersburg, and at Copenhagen, on temporary missions; and he had been some time at the court of the Netherlands. Wherever he had been, he uniformly made good impressions, and conciliated the esteem and friendship of all whose acquaintance he formed. He was well versed in the language of the court of the Hague, and well acquainted with all the persons having access to, or surrounding the king. Of pleasing and winning manners, a general favorite, he was exactly such a person as was well fitted for the service. The rank of minister plenipotentiary was necessary to entitle him to approach the person of the king, according to established usage. It was a point of more importance that this government should have had such a representative at Holland, as the British government was there represented by an accomplished embassador (Sir Charles Bagot), well known here. Mr. Hughes, intimately acquainted with the *corps diplomatique*, with all the avenues of access to the king, and with all persons likely to influence the mind or judgment of the monarch or his ministers, would have been able to discover and avert the exercise of any undue influence, if any should be brought to bear upon the government of the Netherlands in this delicate transaction.

It was among the early acts of this administration to overturn the plan which had been thus resolved on by its predecessors, and, in place of Mr. Hughes, to send out Mr. Preble, in the sole charge of conducting a difficult arbitration. I have had only a limited acquaintance with this gentleman; but he was destitute of all diplomatic experience, had never been in the councils of the general government, and I understand could not either speak or write the language of the court to which he was sent, and where he was a total stranger. He was indeed a respectable lawyer in his own State, but of what avail would professional eminence be, where tact, insinuating manners, and thorough acquaintance with the persons of the court, were indispensable?

The result of an arbitration conducted under such auspices was to be feared. During its progress, and before the king's decision, he was stripped by the revolution in Belgium, of the better half of his dominions. Had he been monarch of Holland alone, I think I hazard nothing in saying, that, notwithstanding the confidence which Mr. Adams reposed in his personal character, he would not have been selected with the concurrence of the late administration, as the sovereign arbiter. It was to an independent sovereign, one the extent of whose power and dominions placed him at the head of the second-rate states of the continent of Europe, that the controversy was submitted. It was not to the King of Holland, but to the King of Holland and Belgium, that the question was referred. It was

to a monarch supposed to be unbiased, powerful, and independent, that the question was referred, and not to a sovereign who, while he was arbitrating between Great Britain and the United States as to the territory of Maine, by the uncontrollable force of events, found one half of his own dominions the subject of British arbitration or decision, in conjunction with the other allied powers.

By the loss of Belgium, the political character of the king was entirely changed, his identity altered, and he ceased to be that monarch whose friendly arbitration had been solicited. Mr. Preble saw the matter in its true light, and expected to have been notified by the minister of foreign affairs of the king's declining to proceed in the arbitration. But he said nothing, and did nothing, to produce that result. Had Mr. Hughes been there, he would, by a suggestion or a hint, not at all offensive (such as, whether the critical condition of his own domestic affairs did not afford sufficient occupation for his majesty, without troubling himself with the concerns of foreign governments, in which his own subjects had no interest), have prevailed on the king to give up the papers; or, at least, to suspend proceeding in the arbitration until he could receive fresh instructions from his own government, adapted to the great event which had happened.

But nothing was done at the Hague or at Washington to arrest or suspend the progress of the arbitration. We have neither seen nor heard of any instructions from our Secretary of State, founded on the event just mentioned. A senator (now in my eye) informed me, that he had conversed with the late Secretary of State about the revolt of Belgium, and asked him if it would not put a stop to the arbitration. To which the secretary answered, that he supposed of course it would; and yet, as far as we know, he gave no instructions whatever in relation to that event!

Under all these circumstances, our surprise at the issue of the arbitration ought to be less than it otherwise would have been. If the King of the Netherlands had definitively decided the questions actually submitted to him, in consequence of the silent acquiescence of our government in the progress of arbitration, the honor and faith of the nation might have bound us to submit to the decision, however unjust we deem it. But, Mr. President, I can not concur with the committee on foreign relations, in considering the paper communicated by the King of Holland to the two governments as containing a decision. It seems to me to express only the opinion of that monarch, as to what he thinks might be a suitable boundary, and to operate as a recommendation to the parties to adopt it; but leaving them, at the same time, at full liberty to adopt it or not, at their discretion. So far from being a decision, the king professes his inability to decide the question submitted to him, for reasons which he states, and he does not decide it, according to the terms of the submission.

Nor can I concur with that committee in believing, that we shall be in danger of incurring the reproaches of the world for not submitting to such

an award, if award it can be called. I am quite sure, that the chairman of the committee on foreign affairs, or the present Secretary of State, would be fully competent to make out an argument in behalf of the rights of Maine, that would fully vindicate then, and vindicate the course of government, from all reproaches, founded on noncompliance with the advice and recommendation of the sovereign arbiter.

Entertaining these sentiments, as a private citizen, I have no hesitation in expressing my opinion that the American government, disregarding, and declining to be bound by, the award, ought to open a negotiation with Great Britain on the subject of this disputed boundary. I have no apprehensions that such a step would, necessarily, bring on war. Great Britain might have adopted one of two courses: either to proceed to occupy the territory which the sovereign arbiter thinks it would be suitable for her to possess, and signified her determination to do so; or, to communicate to our government her willingness to be governed by the advice of the arbiter, and inquired as to the intentions, on that subject, of this government. The former course would have been harsh, and might have involved the two countries in war. The latter was more respectful, and, having been adopted by Great Britain, it will be natural and easy to return an answer to the diplomatic note which has been received, stating the grounds and arguments which induce the American government to believe itself not bound by what has been done by the King of Holland. Such an answer would be preliminary to a negotiation, which would necessarily follow. It is desirable, undoubtedly, to have all controversies between nations settled, and amicably, if possible. But this is not the only question remaining to be decided between the two powers, and if that mutual respect and friendly disposition which, it is to be hoped, may predominate in the official intercourse between the two countries, should prevail, although the dispute, by the intervention of the Dutch king, has been somewhat complicated, we need not, I think, despair finally of some satisfactory arrangement.

These are my private views, Mr. President. But I think the president has come to the Senate too soon, or come to it in a wrong character. As a part of the executive government, I think the Senate has nothing to do with the question, in the present state of it. Holding this opinion, I shall vote against the resolution reported by the committee on foreign affairs, and I shall vote against any other resolution or proposition which may imply or assume a power in the Senate of the United States to act in the case. The president, it seems to me, is invested, exclusively, with the power of deciding, in the first instance, whether any and what obligations, if any, have been created upon the American government, in consequence of the act of the King of the Netherlands; and whether it be expedient or not to open a negotiation with Great Britain. And I think he should be left to his constitutional responsibility, to pursue such a course as a sense of duty may prompt.

ON PRESIDENT JACKSON'S VETO OF THE BANK BILL.

IN SENATE, JULY 10, 1832.

[General Jackson's hostility to the Bank of the United States, is well understood to have arisen from the refusal of certain officers of the bank to submit to his interference in matters where he had no right. This resistance of the officers was proper; but the will of General Jackson was not a thing to be trifled with. It was rule or ruin with him; and never was the maxim more fully realized than in this case. General Jackson held the fate of the bank in his hand, and was resolved to crush it out, if he could not have his way in the management of its affairs. The connection of the bank with the business of the country, and as the fiscal agent of the Government, was on an immense scale. As the bank had done so well, and become so essential to trade, there was little doubt that its charter would be renewed, and the public depended upon it. The veto, therefore, was a great shock to the business of the country. There were thirty millions of loan to the great West, and probably twice —perhaps thrice—that amount elsewhere; all of which must be paid in the liquidation of the affairs of the bank. The winding up of this bank was a complete break-up of the usual channels of business throughout the country, and it was undoubtedly the primary cause of the great commercial revulsion of 1836–7. For, in the regulation and supply of a sound currency, it would without doubt have prevented that great disaster.

It is singular what an amount and perpetuity of popular prejudice against the Bank of the United States General Jackson was capable of stirring up. A majority of the people think to this day (1856) that the Pennsylvania Bank of the United States was the same which General Jackson vetoed, and that its failure proved that General Jackson was right. The idea of a national bank has been unpopular ever since, and no party could bear the odium of such a policy; and yet the Bank of the

United States was an institution that proved most important to the Government and most useful to the country. No party ever lost any thing by it, and all parties were benefited. It was the best fiscal agent for the government that could be devised ; it regulated the currency, and operated as a check on the issues of unsound State banks. But as soon as the national bank was broken up, the State banks rushed into the vacuum, and flooded the country with an unsound currency, the disastrous effects of which have never been entirely effaced, simply because no country, under a high civilization, can do well without a national bank.]

I HAVE some observations to submit on this question, which I would not trespass on the Senate in offering, but that it has some command of leisure, in consequence of the conference which has been agreed upon, in respect to the tariff.

A bill to re-charter the bank, has recently passed Congress, after much deliberation. In this body, we know that there are members enough who entertain no constitutional scruples, to make, with the vote by which the bill was passed, a majority of two thirds. In the House of Representatives, also, it is believed, there is a like majority in favor of the bill. Notwithstanding this state of things, the president has rejected the bill, and transmitted to the Senate an elaborate message, communicating at large his objections. The Constitution requires that we should reconsider the bill, and that the question of its passage, the president's objections notwithstanding, shall be taken by ayes and noes. Respect to him, as well as the injunctions of the Constitution, require that we should deliberately examine his reasons, and reconsider the question.

The veto is an extraordinary power, which, though tolerated by the Constitution, was not expected, by the convention, to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. Thus restricted, and it has been thus restricted by all former presidents, it might not be mischievous. During Mr. Madison's administration of eight years, there occurred but two or three cases of its exercise. During the last administration, I do not now recollect that it was once. In a period little upward of three years, the present chief magistrate has employed the veto four times. We now hear quite frequently, in the progress of measures through Congress, the statement that the president will veto them, urged as an objection to their passage.

The veto is hardly reconcilable with the genius of representative government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our government, borrowed from a prerogative of the British king. And it is remarkable, that in England it has grown obsolete, not

having been used for upward of a century. At the commencement of the French Revolution, in discussing the principles of their Constitution, in national convention, the veto held a conspicuous figure. The gay, laughing population of Paris, bestowed on the king the appellation of Monsieur Veto, and on the queen, that of Madame Veto. The convention finally decreed, that if a measure rejected by the king, should obtain the sanction of two concurring legislatures, it should be a law, notwithstanding the veto. In the Constitution of Kentucky, and perhaps in some other of the State Constitutions, it is provided that if, after the rejection of a bill by the governor, it shall be passed by a majority of all the members elected to both Houses, it shall become a law, notwithstanding the governor's objections. As a co-ordinate branch of the government, the chief magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the Legislature, shall still pass it, notwithstanding his official influence, and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body, twice deliberately expressed?

It can not be imagined that the Convention contemplated the application of the veto, to a question which has been so long, so often, and so thoroughly scrutinized, as that of the bank of the United States, by every department of the government, in almost every stage of its existence, and by the people, and by the State legislatures. Of all the controverted questions which have sprung up under our government, not one has been so fully investigated as that of its power to establish a bank of the United States. More than seventeen years ago, in January, 1815, Mr. Madison then said, in a message to the Senate of the United States:

"Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation."

Mr. Madison, himself opposed to the first bank of the United States, yielded his own convictions to those of the nation, and all the departments of the government thus often expressed. Subsequently to this true but strong statement of the case, the present bank of the United States was established, and numerous other acts, of all the departments of government manifesting their settled sense of the power, have been added to those which existed prior to the date of Mr. Madison's message.

No question has been more generally discussed, within the last two years, by the people at large, and in State Legislatures, than that of the bank. And this consideration of it has been prompted by the president himself. In the first message to Congress (in December, 1829) he brought the subject to the view of that body and the nation, and expressly declared,

that it could not, for the interest of all concerned, be "too soon" settled. In each of his subsequent annual messages, in 1830, and 1831, he again invited the attention of Congress to the subject. Thus, after an interval of two years, and after the intervention of the election of a new Congress, the president deliberately renews the chartering of the bank of the United States. And yet his friends now declare the agitation of the question to be premature! It was not premature, in 1829, to present the question, but it is premature in 1832 to consider and decide it!

After the president had directed public attention to this question, it became not only a topic of popular conversation, but was discussed in the press, and employed as a theme in popular elections. I was myself interrogated, on more occasions than one, to make a public expression of my sentiments; and a friend of mine in Kentucky, a candidate for the State Legislature, told me nearly two years ago, that he was surprised, in an obscure part of his county (the hills of Benson), where there was but little occasion for banks, to find himself questioned on the stump, as to the recharter of the bank of the United States. It seemed as if a sort of general order had gone out from head-quarters, to the partisans of the administration, everywhere, to agitate and make the most of the question. They have done so, and their condition now reminds me of the fable invented by Dr. Franklin, of the eagle and the cat, to demonstrate that Æsop had not exhausted invention, in the construction of his memorable fables. The eagle, you know, Mr. President, pounced from his lofty flight in the air, upon a cat, taking it to be a pig. Having borne off his prize, he quickly felt most painfully the paws of the cat, thrust deeply into his sides and body. While flying, he held a parley with the supposed pig, and proposed to let go his hold, if the other would let him alone. No, says puss, you brought me from yonder earth below, and I will hold fast to you until you carry me back—a condition to which the eagle readily assented.

The friends of the president, who have been for nearly three years agitating this question, now turn round upon their opponents, who have supposed the president quite serious and in earnest, in presenting it for public consideration, and charge them with prematurely agitating it. And that for electioneering purposes! The other side understands perfectly, the policy of preferring an unjust charge, in order to avoid a well-founded accusation.

If there be an electioneering motive in the matter, who have been actuated by it? Those who have taken the president at his word, and deliberated on a measure which he has repeatedly recommended to their consideration? or those who have resorted to all sorts of means to elude the question—by alternately coaxing and threatening the bank; by an extraordinary investigation into the administration of the bank; and by every species of postponement and procrastination, during the progress of the bill.

Notwithstanding all these dilatory expedients, a majority of Congress,

prompted by the will and the best interests of the nation, passed the bill. And I shall now proceed, with great respect and deference, to examine some of the objections to its becoming a law, contained in the president's message, avoiding, as much as I can, a repetition of what gentlemen have said who preceded me.

The president thinks that the precedents, drawn from the proceedings of Congress, as to the constitutional power to establish a bank, are neutralized, by their being two for and two against the authority. He supposes that one Congress, in 1811, and another in 1815, decided against the power. Let us examine both of these cases. The House of Representatives in 1811, passed the bill to recharter the bank, and, consequently, affirmed the power. The Senate, during the same year, were divided, seventeen and seventeen, and the vice-president gave the casting vote. Of the seventeen who voted against the bank, we know from the declaration of the senator from Maryland (General Smith), now present, that he entertained no doubt whatever of the constitutional power of Congress to establish a bank, and that he voted on totally distinct ground. Taking away his vote and adding it to the seventeen who voted for the bank, the number would have stood eighteen for, and sixteen against the power. But we know further, that Mr. Gaillard, Mr. Anderson, and Mr. Robinson, made a part of that sixteen; and that in 1815, all three of them voted for the bank. Take those three votes from the sixteen, and add them to the eighteen, and the vote of 1811, as to the question of constitutional power, would have been twenty-one and thirteen. And of these thirteen, there might have been others, who were not governed in their votes by any doubts of the power.

In regard to the Congress of 1815, so far from their having entertained any scruples in respect to the power to establish a bank, they actually passed a bank bill, and thereby affirmed the power. It is true that, by the casting vote of the speaker of the House of Representatives (Mr. Cheves), they rejected another bank bill, not on grounds of want of power, but upon considerations of expediency in the particular structure of that bank.

Both the adverse precedents, therefore, relied upon in the message, operate directly against the argument which they were brought forward to maintain. Congress, by various other acts, in relation to the bank of the United States, has again and again sanctioned the power. And I believe it may be truly affirmed, that from the commencement of the government to this day, there has not been a Congress opposed to the bank of the United States, upon the distinct ground of a want of power to establish it.

And here, Mr. President, I must request the indulgence to the Senate, while I express a few words in relation to myself.

I voted, in 1811, against the old bank of the United States, and I delivered, on that occasion, a speech, in which, among other reasons, I assigned

that of its being unconstitutional. My speech has been read to the Senate, during the progress of this bill, but the reading of it excited no other regret than that it was read in such a wretched, bungling, mangling manner. During a long public life (I mention the fact not as claiming any merit for it), the only great question on which I have ever changed my opinion, is that of the bank of the United States. If the researches of the senator had carried him a little further, he would, by turning over a few more leaves of the same book from which he read my speech, have found that which I made in 1816, in support of the present bank. By the reasons assigned in it for the change of my opinion, I am ready to abide in the judgment of the present generation and of posterity. In 1816, being Speaker of the House of Representatives, it was perfectly in my power to have said nothing and done nothing, and thus have concealed the change of opinion my mind had undergone. But I did not choose to remain silent and escape responsibility. I chose publicly to avow my actual conversion. The war and the fatal experience of its disastrous events had changed me. Mr. Madison, Governor Pleasants, and almost all the public men around me, my political friends, had changed their opinions from the same causes.

The power to establish a bank is deduced from that clause of the Constitution which confers on Congress all powers necessary and proper to carry into effect the enumerated powers. In 1811, I believed a bank of the United States not necessary, and that a safe reliance might be placed on the local banks, in the administration of the fiscal affairs of the government. The war taught us many lessons, and among others demonstrated the necessity of the bank of the United States, to the successful operations of the government. I will not trouble the Senate with a perusal of my speech in 1816, but ask its permission to read a few extracts:

"But how stood the case in 1816, when he was called upon to examine the powers of the general government to incorporate a national bank? A total change of circumstances was presented—events of the utmost magnitude had intervened.

"A general suspension of specie payments had taken place, and this had led to a train of circumstances of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States—a currency consisting of paper, on which they neither paid interest or principal, while it was exchanged for the paper of the community, on which both were paid. We saw these institutions, in fact, exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty—the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution of the public

revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department; for it would accumulate where it was not wanted, and could not be used where it was wanted, for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid to or received from the government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments had not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people, in their taxes, than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper.

* * * * * * * * *

"Considering, then, that the state of this currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said he determined to examine the question with as little prejudice as possible, arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it, by events happening since the commencement of the war, he could no longer doubt. * * * He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their justice and candor."

The interest which foreigners hold in the existing bank of the United States, is dwelt upon in the message as a serious objection to the recharter. But this interest is the result of the assignable nature of the stock; and if the objection be well founded, it applies to government stock, to the stock in local banks, in canal and other companies, created for internal improvements, and every species of money or movables in which foreigners may acquire an interest. The assignable character of the stock is a quality conferred not for the benefit of foreigners, but for that of our own citizens. And the fact of its being transferred to them is the effect of the balance of trade being against us—an evil, if it be one, which the American system will correct. All governments wanting capital resort to foreign nations possessing it in superabundance, to obtain it. Sometimes the resort is even made by one to another belligerent nation. During our revolutionary war we obtained foreign capital (Dutch and French) to aid us. During the late war American stock was sent to Europe to sell; and if I am not misinformed, to Liverpool. The question does not depend upon the place whence the capital is obtained, but the advantageous use of it. The confidence of foreigners in our stocks is a proof of the solidity of our credit. Foreigners have no voice in the administration of this

bank; and if they buy its stock, they are obliged to submit to citizens of the United States to manage it. The senator from Tennessee (Mr. White), asks what would have been the condition of this country if, during the late war, this bank had existed, with such an interest in it as foreigners now hold? I will tell him. We should have avoided many of the disasters of that war, perhaps those of Detroit and at this place. The government would have possessed ample means for its vigorous prosecution; and the interest of foreigners, British subjects especially, would have operated upon them, not upon us. Will it not be a serious evil to be obliged to remit in specie to foreigners the eight millions which they now have in this bank, instead of retaining that capital within the country to stimulate its industry and enterprise?

The president assigns in his message a conspicuous place to the alleged injurious operation of the bank on the interests of the western people. They ought to be much indebted to him for his kindness manifested toward them; although I think they have much reason to deprecate it. The people of all the West owe to this bank about thirty millions, which have been borowed from it; and the president thinks that the payments for the interest, and other facilities which they derive from the operation of the bank, are so onerous as to produce "a drain of their currency, which no country can bear without inconvenience and occasional distress." His remedy is to compel them to pay the whole of the debt which they have contracted in a period short of four years. Now, Mr. President, if they can not pay the interest without distress, how are they to pay the principal? If they can not pay a part, how are they to pay the whole? Whether the payment of the interest be or be not a burden to them, is a question for themselves to decide, respecting which they might be disposed to dispense with the kindness of the president. If, instead of borrowing thirty millions from the bank, they had borrowed a like sum from a Girard, John Jacob Astor, or any other banker, what would they think of one who would come to them and say, "Gentlemen of the West, it will ruin you to pay the interest on that debt, and therefore I will oblige you to pay the whole of the principal in less than four years." Would they not reply, "We know what we are about; mind your own business; we are satisfied that in ours we can make not only the interest on what we loan, but a fair profit besides."

A great mistake exists about the western operation of the bank. It is not the bank, but the business, the commerce of the West, and the operations of government, that occasion the transfer, annually, of money from the West to the Atlantic States. What is the actual course of things? The business and commerce of the West are carried on with New Orleans, with the southern, and south-western States, and with the Atlantic cities. We transport our dead or inanimate produce to New Orleans, and receive in return checks or drafts of the bank of the United States at a premium of a half per centum. We send by our drovers our live stock to the South

and South-west, and receive similar checks in return. With these drafts or checks our merchants proceed to the Atlantic cities, and purchase domestic or foreign goods for western consumption. The lead and fur trade of Missouri and Illinois is also carried on principally through the bank of the United States. The government also transfers to places where it is wanted, through that bank, the sums accumulated at the different land-offices, for purchases of the public lands.

Now all these varied operations must go on; all these remittances must be made, bank of the United States or no bank. The bank does not create, but facilitate them. The bank is a mere vehicle; just as much so as the steamboat is the vehicle which transports our produce to the great mart of New Orleans, and not the grower of that produce. It is to confound cause and effect, to attribute to the bank the transfer of money from the West to the East. Annihilate the bank to-morrow, and similar transfers of capital, the same description of pecuniary operations, must be continued; not so well, it is true, but performed they must be, ill or well, under any state of circumstances.

The true questions are, how are they now performed, how were they conducted prior to the existence of the bank? how would they be after it ceased? I can tell you what was our condition before the bank was established; and, as I reason from the past to future experience, under analogous circumstances, I can venture to predict what it will probably be without the bank.

Before the establishment of the bank of the United States, the exchange business of the West was carried on by a premium, which was generally paid on all remittances to the East of two and a half per centum. The aggregate amount of all remittances, throughout the whole circle of the year, was very great, and instead of the sum then paid, we now pay half per centum, or nothing, if notes of the bank of the United States be used. Prior to the bank, we were without the capital of the thirty millions which that institution now supplies, stimulating our industry and invigorating our enterprise. In Kentucky, we have no specie-paying bank, scarcely any currency other than that of paper of the bank of the United States and its branches.

How is the West to pay this enormous debt of thirty millions of dollars? It is impossible. It can not be done. General distress, certain, widespread, inevitable ruin, must be the consequences of an attempt to enforce the payment. Depression in the value of all property, sheriffs' sales and sacrifices, bankruptcy, must necessarily ensue, and, with them, relief laws, paper money, a prostration of the courts of justice, evils from which we have just emerged, must again, with all their train of afflictions, revisit our country. But it is argued by the gentleman from Tennessee (Mr. White), that similar predictions were made, without being realized, from the downfall of the old bank of the United States. It is, however, to be recollected that the old bank did not possess one third of the capital of the present;

that it had but one office west of the mountains, while the present has nine; and that it had little or no debt due to it in that quarter, while the present bank has thirty millions. The war, too, which shortly followed the downfall of the old bank, and the suspension of specie payments, which soon followed the war, prevented the injury apprehended from the discontinuance of the old bank.

The same gentleman further argues that the day of payment must come; and he asks when, better than now? Is it to be indefinitely postponed? is the charter of the present bank to be perpetual? Why, Mr. President, all things—governments, republics, empires, laws, human life—doubtless are to have an end; but shall we therefore accelerate their termination? The West is now young, wants capital, and its vast resources, needing nourishment, are daily developing. By-and-by, it will accumulate wealth from its industry and enterprise, and possess its surplus capital. The charter is not made perpetual, because it is wrong to bind posterity perpetually. At the end of the term limited for its renewal, posterity will have the power of determining for itself, whether the bank shall then be wound up, or prolonged another term. And that question may be decided, as it now ought to be, by a consideration of the interests of all parts of the Union, the West among the rest. Sufficient for the day is the evil thereof.

The president tells us, that if the executive had been called upon to furnish the project of a bank, the duty would have been cheerfully performed; and he states that a bank, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States. The president is a co-ordinate branch of the legislative department. As such, bills which have passed both Houses of Congress are presented to him for his approval or rejection. The idea of going to the president for the project of a law, is totally new in the practice, and utterly contrary to the theory of the government. What should we think of the Senate calling upon the House, or the House upon the Senate, for the project of a law?

In France, the king possessed the initiative of all laws, and none could pass without its having been previously presented to one of the chambers by the crown through the ministers. Does the president wish to introduce the initiative here? Are the powers of recommendation, and that of veto, not sufficient? Must all legislation, in its commencement and in its termination concentrate in the president? When we shall have reached that state of things, the election and annual session of Congress will be a useless charge upon the people, and the whole business of government may be economically conducted by ukases and decrees.

Congress does sometimes receive the suggestions, and opinions of the heads of departments, as to new laws. And, at the commencement of this session, in his annual report, the Secretary of the Treasury stated his reasons at large, not merely in favor of a bank, but in support of the renewal

of the charter of the existing bank. Who could have believed that that responsible officer was communicating to Congress opinions directly adverse to those entertained by the president himself? When before has it happened, that the head of a department recommended the passage of a law which, being accordingly passed and presented to the president, is subjected to his veto? What sort of a bank it is, with a project of which the president would have deigned to furnish Congress, if they had applied to him, he has not stated. In the absence of such statement, we can only conjecture that it is his famous treasury bank, formerly recommended by him, from which the people have recoiled with the instinctive horror excited by the approach of the cholera.

The message states, that "an investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, discloses enough to excite suspicion and alarm." As there is no prospect of the passage of this bill, the president's objections notwithstanding, by a constitutional majority of two thirds, it can never reach the House of Representatives. The members of that House, and especially its distinguished chairman of the committee of ways and means, who reported the bill, are, therefore, cut off from all opportunity of defending themselves. Under these circumstances, allow me to ask how the president has ascertained that the investigation was unwillingly conceded? I have understood directly the contrary; and that the chairman, already referred to, as well as other members in favor of the renewal of the charter, promptly consented to and voted for the investigation. And we all know that those in support of the renewal could have prevented the investigation, and that they did not. But suspicion and alarm have been excited! SUSPICION AND ALARM! Against whom is this suspicion? The House, or the bank, or both?

Mr. President, I protest against the right of any chief magistrate to come into either House of Congress, and scrutinize the motives of its members; to examine whether a measure has been passed with promptitude or repugnance; and to pronounce upon the willingness or unwillingness with which it has been adopted or rejected. It is an interference in concerns which partake of a domestic nature. The official and constitutional relations between the president and the two Houses of Congress subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to measures in their incipient stages, during their progress through the Houses, nor to the motives by which they are actuated. There are some parts of this message that ought to excite deep alarm; and that especially in which the president announces, that each public officer may interpret the Constitution as he pleases. His language is, "Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others." * * * "The opinion of the judges has no more authority over Congress than the opinion of Congress has

over the judges; and on that point the president is independent of both." Now, Mr. President, I conceive, with great deference, that the president has mistaken the purport of the oath to support the Constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws, of which the Constitution is the supreme; but must they obey them as they are, or as they understand them? If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the Constitution only *as he understands it;* what would be the consequence? The judge of an inferior court would disobey the maudate of a superior tribunal, because it was not in conformity to the Constitution, *as he understands it;* a custom-house officer would disobey a circular from the treasury department, because contrary to the Constitution, *as he understands it;* an American minister would disregard an instruction from the president, communicated from the Department of State, because not agreeable to the Constitution, *as he understands it;* aud a subordinate officer in the army or navy, would violate the orders of his superior, because they were not in accordauce with the Constitution, *as he understands it.* We should have nothing settled, nothing stable, nothiug fixed. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification. For what is the doctrine of the president but that of South Carolina applied throughout the Union? The president independent both of Congress and the Supreme Court! only bound to execute the laws of the one and the decisions of the other, as far as they conform to the Constitution of the United States, *as far as he understands it!* Then it should be the duty of every president, on his installation into office, to carefully examine all the acts in the statute book, approved by his predecessors, and mark out those which he was resolved not to execute, aud to which he meant to apply this new species of veto, because they were repugnant to the Constitution *as he understands it.* And, after the expiration of every term of the Supreme Court, he should send for the record of its decisions, and discriminate between those which he would, and those which he would not, execute, because they were or were not agreeable to the Constitution, *as he understands it.*

There is another constitutional doctrine contained in the message, which is entirely new to me. It asserts that "the government of the United States have no constitutional power to purchase lands within the States," except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;" and even for these objects, only "by the consent of the Legislature of the State in which the same shall be." Now sir, I had supposed that the right of Congress to purchase lands in any State was incontestable; and, in point of fact, it probably at this moment owns land in every State of the Union, purchased for taxes, or as a judgment or mortgage creditor. And there are various acts of Congress which regulate the

purchase and transfer of such lands. The advisers of the president have confounded the faculty of purchasing lands with the exercise of exclusive jurisdiction, which is restricted by the Constitution to the forts and other buildings described.

The message presents some striking instances of discrepancy. First, it contests the right to establish one bank, and objects to the bill that it limits and restrains the power of Congress to establish several. Second, it urges that the bill does not recognize the power of State taxation generally; and complains that facilities are afforded to the exercise of that power in respect to the stock held by individuals. Third, it objects that any bonus is taken, and insists that not enough is demanded. And fourth, it complains that foreigners have too much influence, and that stock transferred loses the privilege of representation in the elections of the bank, which, if it were retained, would give them more.

Mr. President, we are about to close one of the longest and most arduous sessions of Congress under the present Constitution; and when we return among our constituents, what account of the operations of their government shall we be bound to communicate? We shall be compelled to say, that the Supreme Court is paralyzed, and the missionaries retained in prison in contempt of its authority, and in defiance of numerous treaties and laws of the United States; that the executive, through the Secretary of the Treasury, sent to Congress a tariff bill which would have destroyed numerous branches of our domestic industry, and to the final destruction of all; that the veto has been applied to the bank of the United States, our only reliance for a sound and uniform currency; that the Senate has been violently attacked for the exercise of a clear constitutional power; that the House of Representatives have been unnecessarily assailed; and that the president has promulgated a rule of action for those who have taken the oath to support the Constitution of the United States, that must, if there be practical conformity to it, introduce general nullification, and end in the absolute subversion of the government.

THE COMPROMISE TARIFF.

IN SENATE, FEBRUARY 12, 1833.

[We find Mr. Clay, in this speech, occupying one of his eminently historical positions—an epoch of his growing fame. When he came to Washington, at the opening of the second session of the Twenty-second Congress, South Carolina had passed her laws of nullification, and President Jackson had issued his proclamation, that the federal laws involved in the controversy would be executed. Here was a civil war declared, and it was not easy to see how a collision would be avoided. But, in this state of things, a new demonstration turned up, by the action of South Carolina, to wit, that she had not yet resolved on any thing further than a trial in the courts of the questions in dispute. Mr. Clay, who had considered a collision inevitable, from the previous aspects of the case, on this new phase, instantly conceived a mode of conciliation. President Jackson, finding his precipitate movement disapproved throughout the entire South, sought a method of retreat by prompting his friends in Congress to bring forward a new tariff bill, which soon appeared in the House of Representatives under the name of Mr. Verplanck's bill. This bill was constructed so as to break down the system of protection, and if it had passed, would doubtless have satisfied South Carolina. General Jackson, who was always, when left to his passions, running into extremes, and who was never a statesman, did not, perhaps, see the immense calamity which such a measure as Mr. Verplanck's bill, consummated, would bring upon the country, and willing to do Mr. Clay and his friends a disservice, threw all the weight of his influence on the side of the new measure. The greatest promptitude was demanded of Mr. Clay to anticipate and ward off this movement by a measure of his own, and with little aid but his own intuitive perceptions, he brought forward in the Senate his famous Compromise Tariff of 1833. It took both Houses of Congress and the whole country by surprise, and the first impression

was decidedly favorable. It was doubtless one of the boldest measures which a statesman ever conceived. To have been sustained in it at the time, by large majorities in both Houses of Congress, and afterward to realize from it the approbation and gratitude of all parties of the American people, North and South, was a signal triumph of genius. Nothing but a genius of an extraordinary character could have devised such a complicated measure so suddenly, and adapted it to the exigences of the case. The following is the speech by which he introduced it to the Senate.]

I YESTERDAY, sir, gave notice that I should ask leave to introduce a bill to modify the various acts imposing duties on imports. I at the same time added, that I should, with the permission of the Senate, offer an explanation of the principle on which that bill is founded. I owe, sir, an apology to the Senate for this course of action, because, although strictly parliamentary, it is, nevertheless, out of the usual practice of this body; but it is a course which I trust that the Senate will deem to be justified by the interesting nature of the subject. I rise, sir, on this occasion, actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. I trust, therefore, that no one will anticipate on my part any ambitious display of such humble powers as I may possess. It is sincerely my purpose to present a plain, unadorned, and naked statement of facts connected with the measure which I shall have the honor to propose, and with the condition of the country. When I survey, sir, the whole face of our country, I behold all around me evidences of the most gratifying prosperity, a prospect which would seem to be without a cloud upon it, were it not that through all parts of the country there exist great dissensions and unhappy distinctions, which, if they can possibly be relieved and reconciled by any broad scheme of legislation adapted to all interests, and regarding the feelings of all sections, ought to be quieted; and leading to which object any measure ought to be well received.

In presenting the modification of the tariff laws, which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should be preserved during this session, it must fall at the next session. By what circumstances, and through what causes has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are, who may differ from the impressions which my mind has received upon this point. Owing, however, to a variety of concurrent

causes, the tariff, as it now exists, is in imminent danger, and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art, which have sprung up under the fostering care of this government, I can not contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile, and brought to ruin, a great number of persons. The most respectable portion of the population of France was condemned to exile and ruin by that measure. But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand it is said, by those who are opposed to the tariff, that it unjustly taxes a portion of the people, and paralyzes their industry; that it is to be a perpetual operation; that there is to be no end to the system; which, right or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books is fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation; before it is yet nine months old; passed, as it was, under circumstances of extraordinary deliberation, the fruit of nine months' labor; before we know any thing of its experimental effects, and even before it commences its operations; we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, render all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties—to increase the stability of our legislation; and at some distant day—but not too distant, when we take into view the magnitude of the interests which are involved—to bring down the rate of duties to that revenue standard, for which our opponents have so long contended. The basis on which I wish to found this modification is one

of time; and the several parts of the bill to which I am about to call the attention of the Senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection for a length of time, which, compared with the length of human life, is very long, but which is short, in proportion to the legitimate discretion of every wise and parental system of government; securing the stability of legislation, and allowing time for a gradual reduction on one side, and on the other proposing to reduce the duties to that revenue standard, for which the opponents of the system have so long contended. I will now proceed to lay the provisions of the bill before the Senate, with a view to draw their attention to the true character of the bill.

(Mr. Clay then proceeded to read the first section of the bill.)

According to this section, it will be perceived that it is proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures which I hope will be adequate, during the intermediate time.

[Mr. Clay here recapitulated the provisions of the sections, and showed by various illustrations how they would operate; and then proceeded to read and comment upon the second section of the bill.]

It will be recollected, that at the last session of Congress, with a view to make a concession to the southern section of the country, low-priced woolens, those supposed to enter into the consumption of slaves and the poorer classes of persons, were taken out of the general class of duties on woolens, and the duty on them reduced to five per centum. It will be also recollected, that at that time the gentlemen from the South said that this concession was of no consequence, and that they did not care for it, and I believe that they do not now consider it of any greater importance. As, therefore, it has failed of the purpose for which it was taken out of the common class, I think it ought to be brought back again, and placed by the side of the other description of woolens, and made subject to the same reduction of duty as proposed by this section.

[Having next read through the third section of the bill, Mr. Clay said:]

After the expiration of a term of years, this section lays down a rule by which the duties are to be reduced to the revenue standard, which has been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the government in 1842, a rule is thus provided for the rate of duties thereafter, Congress being, in the mean time, authorized to adopt any other rule which the exigences of the country, or its financial condition, may require. That is to say, if, instead of the duty of twenty per centum proposed, fifteen or seventeen per centum of duty is sufficient, or twenty-five per centum should be found necessary, to produce a revenue to defray the expenses of an econom-

ical administration of the government, there is nothing to prevent either of those rates, or any other, from being fixed upon; while the rate of twenty per centum is introduced to guard against any failure on the part of Congress to make the requisite provision in due season.

This section of the bill contains also another clause, suggested by that spirit of harmony and conciliation which I pray may preside over the councils of the Union at this trying moment. It provides (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money; and we shall thus get rid of the whole of that credit system, into which an inroad was made, in regard to woolens, by the act of the last session. This section further contains a proviso that nothing in any part of this act shall be construed to interfere with the freest exercise of the power of Congress to lay any amount of duties, in the event of war breaking out between this country and any foreign power.

[Mr. Clay then read the fourth section of the bill.]

One of the considerations strongly urging for a reduction of the tariff at this time is, that the government is likely to be placed in a dilemma by having an overflowing revenue; and this apprehension is the ground of an attempt totally to change the protective policy of the country. The section which I have read is an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, I believe that no difficulty need be apprehended. If the bill which this body passed at the last session of Congress, and has again passed at this session, shall pass the other House, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country, that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should be placed upon the operation of the land bill, to which I have already referred.

It is not my object, in referring to that measure in connection with that which I am about to propose, to consider them as united in their fate, being desirous, partial as I may be to both, that each shall stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it is by no means sure that we shall have any surplus revenue at all. I have been astonished indeed

at the process of reasoning by which the Secretary of the Treasury has arrived at the conclusion, that we shall have a surplus revenue at all, though I admit that such a conclusion can be arrived at in no other way. But what is this process? Duties of a certain rate now exist. The amount which they produce is known; the secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now no calculation can be more uncertain than that. Though perhaps the best that the secretary could have made, all is still all uncertainty; dependent upon the winds and waves, on the mutations of trade, and on the course of commercial operations. If there is any truth in political economy, it can not be that result will agree with the prediction; for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. I do not mean to impute any improper design to any one; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes, than that which thus calculated the revenue, and, in addition, assumed that the expenditure of the government every year would be so much, and so forth. Can any one here say what the future expenditure of the government will be? In this young, great, and growing community, can we say what will be the expenditure of the government even a year hence, much less what it will be three, or four, or five years hence? Yet it has been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

I ask pardon for this digression, and return to the examination of articles in the fourth section, which are proposed to be left free of duty. The duties on these articles now vary from five to ten per centum *ad valorem;* but low as they are, the aggregate amount of revenue which they produce is considerable. By the bill of the last session, the duties on French silks was fixed at five per centum, and that on Chinese silks at ten per centum *ad volorem.* By the bill now proposed the duty on French silks is proposed to be repealed, leaving the other untouched. I will frankly state why I made this distinction. It has been a subject of anxious desire with me to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, is a great growing customer. I have been much struck with a fact going to prove this, which accidentally came to my knowledge the other day; which is, that within the short period of fourteen years, the amount of consumption in France of the great southern staple of cotton has been tripled. Again, it is understood that the French silks of the lower grades of quality can not sustain a competition with the Chinese without some discrimination of this sort. I have understood, also, that the duty imposed upon this article at the last session has been very much complained of on the part of France; and, considering all the circumstances connected with the relations

between the two governments, it appears to me to be desirable to make this discrimination in favor of the French product. If the Senate should think differently, I shall be content. If, indeed, they should think proper to strike out this section altogether, I shall cheerfully submit to their decision.

[After reading the fifth and sixth sections, Mr. Clay said:]

I will now take a few of some of the objections which will be made to the bill. It may be said that the act is prospective, that it binds our successors, and that we have no power thus to bind them. It is true that the act is prospective, and so is almost every act which we ever passed, but we can repeal it the next day. It is the established usage to give all acts a prospective operation. In every tariff there are some provisions which go into operation immediately, and others at a future time. Each Congress legislate according to their own views of propriety; their act does not bind their successors, but creates a species of public faith, which will not rashly be broken. But if this bill shall go into operation, as I hope, even against hope, that it may, I doubt not that it will be adhered to by all parties. There is but one contingency which will render a change necessary, and that is the intervention of a war, which is provided for in the bill. The hands of Congress are left untied in this event, and they will be at liberty to resort to any mode of taxation, which they may propose. But if we suppose peace to continue, there will be no motive for disturbing the arrangement, but on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, of whom I hold myself to be one, for my mind is immutably fixed in favor of that policy, that it abandons the power of protection. But I contend, in the first place, that a suspension of the exercise of the power is not an abandonment of it; for the power is in the Constitution according to our theory, was put there by its framers, and can only be dislodged by the people. After the year 1842, the bill provides that the power shall be exercised in a certain mode. There are four modes by which the industry of the country can be protected.

First, the absolute prohibition of rival foreign articles that are totally unattempted by the bill; but it is competent to the wisdom of the government to exert the power whenever they wish. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt in 1816, the duties yielded thirty-seven millions, and paid so much more of the debt, and subsequently they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we have to trench on the sinking-fund. Now we have no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country, and say that we can carry on this system with accumulating revenue, and no practical way of expending it. The third mode was attempted last session, in a resolution

which I had the honor to submit last year, and which in fact ultimately formed the basis of the act which finally passed both Houses. This was to raise as much revenue as was wanted for the use of the government, and no more, but to raise it from the protected and not from the unprotected articles. I will say, that I regret most deeply that the greater part of the country will not suffer this principle to prevail. It ought to prevail; and the day, in my opinion, will come, when it will be adopted as the permanent policy of the country. Shall we legislate for our own wants or that of a foreign country? To protect our own interests in opposition to foreign legislation was the basis of this system. The fourth mode in which protection can be afforded to domestic industry, is to admit free of duty every article which aided the operations of the manufacturers. These are the four modes for protecting our industry; and to those who say the bill abandons the power of protection, I reply, that it does not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom I co-operate to support the protective system, is, that, in consideration of nine and a half years of peace, certainty, and stability, the manufacturers relinquished some advantages which they now enjoy. What is the principle which has always been contended for in this and in the other House? After the accumulation of capital and skill, the manufacturers will stand alone, unaided by the government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations, for nine years, and the manufacturers in every branch will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers.

It may be said that the farming interest can not subsist under a twenty per centum *ad valorem* duty, My reply is, "Sufficient for the day is the evil thereof." I will leave it to the day when the reduction takes effect to settle the question. When the reduction takes place, and the farmer can not live under it, what will he do? I will tell you what he ought to do. He ought to try it—make a fair experiment of it—and if he can not live under it, let him come here and say that he is bankrupt and ruined. If then nothing can be done to relieve him, sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be afforded, without hazarding the peace and integrity of the Union. The confederacy is an excellent contrivance, but it must be managed with delicacy and skill. There are an infinite variety of prejudices and local interests to be regarded, but all should be made to yield to the Union.

If the system proposed can not be continued, let us try some intermediate system before we think of any other dreadful alternative. Sir, it will be said, on the other hand—for the objections are made by the friends of protection, principally—that the time is too long; that the intermediate reductions are too inconsiderable, and that there is no guaranty that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In the first place, should be recollected the diversified interests of the country; the measures of the government which preceded the establishment of manufactures; the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. I will not dispute about terms. It would not, in a court of justice, be maintained that the public faith is pledged for the protection of manufactures; but there are other pledges which men of honor are bound by besides those of which the law can take cognizance.

If we excite, in our neighbor, a reasonable expectation which induces him to take a particular course of business, we are in honor bound to redeem the pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill, is in the character of the bill, as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be, the history of the revenue will be a guaranty of its permanence. The circumstances under which it was passed will be known and recorded; and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which I propose to arrive at the minimum of duties, must be gradual. I never would consent to any precipitate operation to bring distress and ruin on the community.

Now, viewing it in this light, it appears that there are eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection, the remaining duties will be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period can not appear unreasonable, and I think that no member of the Senate, or any portion of the country, ought to make the slightest objection. It now remains for me to consider the other objection—the want of guaranty to there being an ulterior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guaranty will be found in the circumstances under which the measure would be passed. If it passes by common consent; if it is passed with the assent of a portion—a considerable portion of those who have directly hitherto supported this system, and by a considerable portion of those who opposed it—if they declare their satisfaction with the measure, I have no doubt the rate of duties guarantied will be continued after the expiration of the term, if the country continues at peace. And, at the end of the term, when the ex-

periment will have been made of the efficiency of the mode of protection fixed by the bill, while the constitutional question has been suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while if the country should remain at peace, and this measure go into full operation, the duties will be gradually lowered down to the revenue standard, which has been so earnestly wished for.

But suppose that I am wrong in all these views, for there are no guaranties, in one sense of the term, of human infallibility. Suppose a different state of things in the South; that this Senate, from causes which I shall not dwell upon now, but which are obvious to every reflecting man in this country—causes which have operated for years past, and which continue to operate—suppose, for a moment, that there should be a majority in the Senate, in favor of the southern views, and that they should repeal the whole system at once, what guaranty would we have that the repealing of the law would not destroy those great interests which it is so important to preserve? What guaranty will you have that the thunders of those powerful manufacturers will not be directed against your capitol, because of this abandonment of their interests, and because you have given them no protection against foreign legislation? Sir, if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guaranty, no certainty, that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the Union to restore peace and harmony to the country. When all this was known, what Congress, what Legislature, would mar the guaranty? What man who is entitled to deserve the character of an American statesman, would stand up in his place in either House of Congress, and disturb this treaty of peace and amity?

Sir, I will not say that it may not be disturbed. All that I say is, that here is all the reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about as would be cheerfully acquiesced in by all parties in this country. All parties may find in this measure some reasons for objection. And what human measure is there which is free from objectionable qualities? It has been remarked, and justly remarked, by the great father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different States composing this Union, that the whole would have been rejected; and yet when the whole was presented together, it was accepted as a whole. I will admit that my friends do not get all they could wish for; and the

gentlemen on the other side do not obtain all they might desire; but both will gain all that in my humble opinion is proper to be given in the present condition of this country. It may be true that there will be loss and gain in this measure. But how is this loss and gain distributed? Among our countrymen. What we lose, no foreign land gains; and what we gain, will be no loss to any foreign power. It is among ourselves the distribution takes place. The distribution is founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the Constitution itself, and which has continued to regulate us in our onward march, and conducted the nation to glory and renown.

It remains for me now to touch another topic. Objections have been made to all legislation at this session of Congress, resulting from the attitude of one of the States of this confederacy. I confess that I felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because I misconceived the purposes, as I found from subsequent observation, which that State has in view. Under the influence of more accurate information, I must say that the aspect of things since the commencement of the session has, in my opinion, greatly changed. When I came to take my seat on this floor, I had supposed that a member of this Union had taken an attitude of defiance and hostility against the authority of the general government. I had imagined that she had arrogantly required that we should abandon at once a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, I had in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this Union. But since my arrival here, I find that South Carolina does not contemplate force, for it is denied and denounced by that State. She disclaims it; and asserts that she is merely making an experiment. That experiment is this: by a course of State legislation, and by a change in her fundamental laws, she is endeavoring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation within her limits. That she has professed to be her object. Her appeal is not to arms, but to another power; not to the sword, but to the law. I must say, and I will say it with no intention of disparaging that State, or any other of the States, it is a feeling unworthy of her. As the purpose of South Carolina is not that of force, this at once disarms, divests legislation of one principal objection, which, it appears to me, existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the United States from her limits; and unquestionably she has taken good care to prepare her judges beforehand by swearing them to decide in her favor. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaims any intention of resorting to force unless we should find it indispensable to execute the laws of the Union by applying force to her. It seems to

me the aspect of the attitude of South Carolina has changed; or rather, the new light which I have obtained, enables me to see her in a different attitude; and I have not truly understood her until she passed her laws, by which it was intended to carry her ordinance into effect. Now, I venture to predict that the State to which I have referred must ultimately fail in her attempt. I disclaim any intention of saying any thing to the disparagement of that State. Far from it. I think that she has been rash, intemperate, and greatly in error; and, to use the language of one of her own writers, made up an issue unworthy of her. From one end to the other of this continent, by acclamation, as it were, nullification has been put down, and put down in a manner more effectually than by a thousand wars or a thousand armies—by the irresistible force, by the mighty influence of public opinion. Not a voice beyond the single State of South Carolina has been heard in favor of the principle of nullification, which she has asserted by her own ordinance; and I will say, that she must fail in her lawsuit. I will express two opinions; the first of which is, that it is not possible for the ingenuity of man to devise a system of State legislation to defeat the execution of the laws of the United States, which can not be countervailed by federal legislation.

A State might take it upon herself to throw obstructions in the way of the execution of the laws of the federal government; but federal legislation can follow at her heels quickly, and successfully counteract the course of State legislation. The framers of the Constitution foresaw this, and the Constitution has guarded against it. What has it said? It is declared, in the clause enumerating the powers of this government, that Congress shall have all power to carry into effect all the powers granted by the Constitution, in any branch of the government under the sweeping clause; for they have not specified contingences, because they could not see what was to happen; but whatever powers were necessary, all, all are given to this government by the fundamental law, necessary to carry into effect those powers which are vested by that Constitution in the federal government. That is one reason. The other is, that it is not possible for any State, provided this government is administered with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force; but, if force at all is employed, it must be by State legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to, the State itself.

I shall not go into the details of this bill. I merelythrow out these sentiments for the purpose of show you, that South Carolina, having declared her purpose to be this, to make an experiment whether, by a course of legislation, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the United States, I for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am

ready, for one, to give the tribunals and the executive of the country, whether that executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the Union. But I would not go a hair's breadth further than what was necessary for those purposes. Up to that point I would go, and cheerfully go; for it is my sworn duty, as I regard it, to go to that point.

Again; taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other States have done—that respectable State, Ohio, and, if I am not mistaken, the State of Virginia also. An opinion prevailed some years ago, that if you put the laws of a State into a penal form, you could oust federal jurisdiction out of the limits of that State, because the State tribunals had an exclusive jurisdiction over penalties and crime, and it was inferred that no federal court could wrest the authority from them. According to that principle, the State of Ohio passed the laws taxing the branch of the United States bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened to be my lot to be counsel at law to bring the suit against the State, and to maintain the federal authority. The trial took place in the State of Ohio; and it is one of the many circumstances which redounds to the honor of that patriotic State, that she submitted to the federal force. I went to the office of the public treasury myself, to which was taken the money of the bank of the United States, it having remained there in sequestration until it was peaceably rendered, in obedience to the decision of the court, without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised, or threatened to be raised, against the due execution of the laws of the United States, when they were then enforced. In Virginia (but I am not sure that I am correct in the history of it,) there was a case of this kind. Persons were liable to penalties for selling lottery tickets. It was contended that the State tribunals had an exclusive jurisdiction over the subject. The case was brought before the Supreme Court; the parties were a Mr. Myers and somebody else, and it decided, as it must always decide, no matter what obstruction, no matter what the State law may be, the constitutional laws of the United States must follow and defeat it, in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has attempted, and, I repeat, it in a much more offensive way attempted, to defeat the execution of the laws of the United States. But it seems, that, under all the circumstances of the case, she has, for the present, determined to stop here, in order that, by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislation at this time. Although I came here impressed with a different opinion, my mind has now become reconciled.

The memorable 1st of February is past. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think that we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the 4th of March. Nobody who has noticed the course of events, can doubt that she will postpone it by still further legislation, if Congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent to the 4th of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous—it is unnatural to suppose that she is not—to remain in the Union. What! a State whose heroes in its gallant ancestry fought so many glorious battles along with those of the other States of this Union—a State with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this Union; if her five hundred thousand people should at once be thrown upon their own resources. She is out of the Union. What is the consequence? She is an independent power. What then does she do? She must have armies and fleets, and an expensive government; have foreign missions; she must raise taxes; enact this very tariff which has driven her out of the Union, in order to enable her to raise money, and to sustain the attitude of an independent power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbor, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies; therefore must she have a revenue. And let me tell you, there is another consequence, an inevitable one: she has a certain description of persons recognized as property south of the Potomac, and west of the Mississippi, which would be no longer recognized as such, except within their own limits. This species of property would sink to one half of its present value, for it is Louisiana and the south-western States which are her great market.

But I will not dwell on this topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment, to become a separate and independent State. If the existence of the ordinance, while an act of Congress is pending, is to be considered as a motive for not passing that law, why, this would be found to be a sufficient reason for preventing the passage of any laws. South Carolina, by keeping the shadow of an ordinance ever before us, as she has it in her power to postpone it from time to time, would defeat our legislation for ever. I would repeat, that under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination, the whole of which, together, constitutes a motive of action which renders it expedient to resort, during

the present session of Congress, to some measure in order to quiet and tranquilize the country.

If there be any who want civil war, who want to see the blood of any portion of our countrymen spilt, I am not one of them I wish to see war of no kind; but, above all, I do not desire to see civil war. When war begins, whether civil or foreign, no human sight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me, if you can, tell me, if any human being can tell its duration. God alone knows where such a war would end. In what a state will our institutions be left? In what a state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this Union. No: I do not desire to see the luster of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated forever. Has not the State of South Carolina been one of the members of this Union in "days that tried men's souls?" Have not her ancestors fought alongside our ancestors? If we had to go into a civil war with such a State, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the Union, what would be the condition of her feelings and affections? what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers, for ages and centuries to come, in the united defense of liberty, and for the honor and glory of the Union, I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to intreat and implore each individual member of this body to bring into the consideration of this measure which I have had the honor of proposing, the same love of country which, if I know myself, has actuated me, and the same desire of restoring harmony to the Union, which has prompted this effort. If we can forget for a moment —but that would be asking too much of human nature—if we could suffer, for one moment, party feelings and party causes—and, as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people—I should hope that under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country.

THE COMPROMISE TARIFF (Continued).

IN SENATE, FEBRUARY 25, 1833.

[Thirteen days had elapsed since the introduction of the Compromise Bill by Mr. Clay, and the measure had been largely discussed, and with great ability. The following speech is chiefly occupied in answers to objections to the measure. Some senators from the South, led by Mr. Forsyth of Georgia, opposed it, and Mr. Webster led the opposition from the North. Mr. Webster's chief objection was, that the bill surrendered the protective policy, of which he had become the advocate, though he opposed the tariff of 1824. He had very properly changed with the change of interest in his constituents. If Mr. Clay's Compromise Bill had had more time for consideration, it would probably have been less opposed; but it was sprung on the Senate so suddenly, and the necessity of a speedy decision was such—only fifteen days from the time of its introduction—that the time was short to digest so important a measure. To some minds it was then a puzzle, and long continued so, as to its effect on the protective policy. Mr. Clay, however, was right, that it did not surrender that policy, and that it retained all the protection possible as a compromise adapted to the exigency. As he predicted, the manufacturers were reconciled to it, especially as it was to be a reliable measure for a specific term of years, under which they could adapt themselves to it. The existing measure of protection was not seriously impaired, and the reduction of protective duties was so gradual that they hoped to be able to sustain themselves under it. They knew that they were in danger of losing all, and to be saved in such a crisis was a most welcome boon. So sensible were the manufacturers of their obligations to Mr. Clay for this measure, that they made a continuous ovation to him on his subsequent tour through the manufacturing States. And yet it was maintained by a multitude of theoretical cynics, that this tariff gave up protection. Practical men, however, took it as it was, and, as protectionists,

were satisfied with it. The tariff of 1842 proved that Mr. Clay was right in his anticipations, and that there was nothing in that of 1833 that could operate as a bar to such a measure. A protracted pacification was secured, a civil war prevented, and all power was wrested from the hands of General Jackson and his party to break down the protective policy. If this had not been done suddenly, on the instant, it never could have been done; and the country was indebted to Mr. Clay for this great achievement. The Compromise Tariff of 1833 was conceived quick, on the exigency; it was quickly acted upon, and quickly passed. Strange to say, Mr. Calhoun and his party went for it, in preference to Verplanck's bill. Mr. Calhoun was willing to be rescued from the hands of General Jackson by Mr. Clay and his friends, notwithstanding that Verplanck's bill was more in accordance with the wishes of the South. The passage of the tariff of 1833 was a sort of *coup de main* operation, and the only wonder is, that it was so thoroughly charged with wisdom, and foresight, and circumspection, as afterward to sustain the most severe scrutiny without being impeached. The vote of the House for the tariff was one hundred and twenty to eighty-four, and that of the Senate twenty-nine to sixteen.

The following vindication of the measure will well repay an attentive perusal.]

Being anxious, Mr. President, that this bill should pass, and pass this day, I will abridge as much as I can the observations I am called upon to make. I have long, with pleasure and pride, co-operated in the public service with the senator from Massachusetts; and I have found him faithful, enlightened, and patriotic. I have not a particle of doubt as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the Union. On the other hand, I derive great consolation from finding myself, on this occasion, in the midst of friends with whom I have long acted, in peace and in war, and especially with the honorable senator from Maine, (Mr. Holmes), with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that senator presiding in the committee of the Senate, and I in committee of twenty-four of the House of Representatives, on a Sabbath day, that the terms were adjusted, by which the compromise of the Missouri question was effected. Then the dark clouds that hung over our beloved country were dispersed; and now the thunders from others not less threatening, and which have been longer accumulating, will, I hope, roll over us harmless and without injury.

The senator from Massachusetts objects to the bill under consideration, on various grounds. He argues that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy, and that the details of the bill are practically defective. He does not object to the gradual, but very considerable reduction of duties which is made prior to 1842. To that he could not object, because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute-book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but throwing himself forward to the termination of that period, he contends that Congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges; it could make none; none are attempted. The power over the subject is in the Constitution—put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next Congress, and every succeeding Congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now in all compromises there must be mutual concessions. The friends of free trade insist, that duties should be laid in reference to revenue alone. The friends of American industry say, that another, if not paramount object in laying them, should be, to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes as a basis adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, We are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it, a conviction common to all, of the utility of protection; and in consideration of it, if, in 1842, none of these contingences shall have been realized, we are willing to submit as long as Congress may think proper, to a maximum rate of twenty per centum, with the power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes and could impose no restriction upon the will or power of a future Congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future Congress that might disturb this adjustment would act under a high responsibility, but it would be entirely within its competency to repeal, if it thought proper, the whole bill. It is far from the object of those who support this bill, to

abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways—first, by bounties, as far as they are within the constitutional power of Congress to offer them; second, by prohibitions, totally excluding the foreign rival article; third, by high duties, without regard to the aggregate amount of revenue which they produce; fourth, by discriminating duties so adjusted as to limit the revenue to the economical wants of government; and, fifth, by the admission of the raw material, and articles essential to manufactures free of duty; to which may be added, cash duties, home valuations, and the regulation of auctions. A perfect system of protection would comprehend most if not all these modes of affording it. There might be at this time a prohibition of certain articles (ardent spirits and coarse cottons, for example), to public advantage. If there were not inveterate prejudices and conflicting opinions prevailing (and what statesman can totally disregard impediments?) such a compound system might be established.

Now, Mr. President, before the assertion is made, that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not as well as what it does propose. It impairs no power of Congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of Congress in regard to them, and Congress is perfectly free to exercise that power at any time; it expressly recognizes discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present Constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation perhaps ever existed, without protection in some form, and, to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign powers; and no nation, for any length of time, can endure an alien legislation in which it has no will. The discontents which prevail, and the safety of the republic, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded by high duties, without regard to the amount of the revenue which they might yield. During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of government. Between 1816 and 1824, the revenue was liable to the

greatest fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart as a sinking-fund to extinguish the public debt. If the public debt remained undischarged, or we had any other practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettles that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The Secretary of the Treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation at that rate would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public man with the necessity of some modification of the principles of protection, so far as it depends upon high duties. The senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the government. With him revenue is the principal, protection the subordinate, object. If protection can not be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says, specific duties and the power of discrimination are preserved by his resolutions. So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit, while his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The senator from Pennsylvania (Mr. Dallas), who, equally with the senator from Massachusetts, is opposed to this bill, would have agreed to the bill if it had fixed thirty instead of twenty per centum; and he would have dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per centum, to the plan of the senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest, and, secondly, to quiet the country. I believe the American system to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session than at the next I heard with surprise my friend

from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message, at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the South ought to be relieved, nothing? Is the introduction of a bill into the House of Representatives during this session, sanctioned by the head of the treasury and the administration, prostrating the greater part of the manufactures of the country, nothing? Are the increasing discontents, nothing? Is the tendency of recent events to unite the whole South, nothing? What have we not witnessed in this chamber? Friends of the administration, bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions, south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which three short months ago they contributed to establish! Let us not deceive ourselves. Now is the time to adjust the question in a manner satisfactory to both parties. Put it off until the next session, and the alternative may, and probably then would, be a speedy and ruinous reduction of the tariff, or a civil war with the entire South.

It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the senator from New Jersey (Mr. Dickerson), among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of Congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from present appearances, we shall at the next session be in the minority. In the House it is notorious, that there is a considerable accession to the number of the dominant party. How then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united South, and against the increased pending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it for political purposes. They may change their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And, if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn succor from an unexpected quarter. No, Mr. President, it is not destruction, but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely

unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints; I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with paternal fondness, and my affection is undiminished, but in what condition do I find this child? It is in the hands of the Philistines, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it if possible before it is wrapped in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country, that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections, as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquilizing of the country, is no less important. All wise human legislation must consult in some degree the passions, and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallibility in any dogma, and to push these out without regard to any consequences. With us, who entertain the opinion that Congress is constitutionally invested with power to protect domestic industry, it is a question of mere expediency as to the form, the degree, and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to those who honestly entertain opposite opinions to large masses of the community, and to deep, long-cherished, and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them is in favor of this policy; but I am induced to believe this almost against evidence. Two States in New England, which have been in favor of the system, have recently come out against it. Other States of the North and East have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of government in hands which ordinary information must have assured them were rather a hazardous depository. With us in the West, although we are not without some direct and considerable indirect interest in the system, we have supported it more upon national than sectional grounds.

Meantime the opposition of a large and respectable section of the Union, stimulated by political success, has increased, and is increasing. Discontents are multiplying and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the powers of the Union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one State; they are coextensive with the entire South, and extend even to northern States. It has been intimated by the senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind, than my fellow-men are generally. It perhaps requires as much moral courage to legislate under the imputation of a panic, as to refrain from it lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole South. Other southern States may differ from that as to the remedy to be now used, but all agree (great as in my humble judgment is their error), in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this co-operation. Since the commencement of this session, the most powerful southern member of the Union has taken a measure which can not fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension will be made. Well, sir, suppose it takes place, and Congress should fail at the next session to afford the redress which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina? and if she did, would not the entire South eventually become parties to the contest? The rest of the Union might put down the South, and reduce it to submission; but, to say nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject in all possible cases, the employment of force; but I do think that when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But suppose the present Congress terminates without any adjustment of the tariff, let us see in what condition its friends will find themselves at the next session. South Carolina will have postponed the execution of the

law passed to carry into effect her ordinance, until the end of that session. All will be quiet in the South for the present. The president, in his opening message, will urge that justice, as he terms it, be done to the South; and that the burdens imposed upon it by the tariff, be removed. The whole weight of the administration, the united South, and majorities of the dominant party, in both branches of Congress, will be found in active co-operation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the Union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina's postponing of her ordinance, at the instance of Virginia, and once more appealing to the justice of Congress, will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff, at the next session, and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion, for the admission of the fact, that, at the next session, our opponents will be stronger, and the friends of the American system weaker than they are in this Congress. But, is it not so? And is it not the duty of every man, who aspires to be a statesman, to look at naked facts as they really are? Must he suppress them? Ought he, like children, to throw the counterpane over his eyes, and persuade himself that he is secure from danger? Are not our opponents as well informed as we are, about their own strength?

If we adjourn, without any permanent settlement of the tariff, in what painful suspense and terrible uncertainty shall we not leave the manufacturers and business men of the country? All eyes will bo turned, with trembling and fear, to the next session. Operations will be circumscribed, and new enterprises checked; or, if otherwise, ruin and bankruptcy may be the consequence. I believe, sir, this measure, which offers a reasonable guaranty for permanence and stability, will be hailed by practical men with pleasure. The political manufacturers may be against it, but it will command the approbation of a large majority of the business manufacturers of the country. But the objections of the honorable senator from Massachusetts are principally directed to the period beyond 1842. During the intermediate time, there is every reason to hope and believe that the bill secures adequate protection. All my information assures me of this; and it is demonstrated by the fact, that, if the measure of protection, secured prior to the 31st of December, 1841, were permanent; or if the bill were even silent beyond that period, it would command the cordial and unanimous concurrence of the friends of the policy. What then divides, what alarms us? It is what may possibly be the state of things in the year one thousand eight hundred and forty-two, or subsequently! Now, sir, even if that should be as bad as the most vivid imagination, or the most eloquent tongue could depict it, if we have intermediate safety and security, it does not seem to me wise to rush upon certain and present evils, because

of those which, admitting their possibility, are very remote and contingent. What! shall we not extinguish the flame which is bursting through the roof that covers us, because, at some future and distant day, we may be again threatened with conflagration?

I do not admit that this bill abandons, or fails, by its provisions, to secure reasonable protection beyond 1842. I can not know, I pretend not to know, what will then be the actual condition of this country, and of the manufacturing arts, and their relative condition to the rest of the world. I would as soon confide in the forecast of the honorable senator from Massachusetts as in that of any other man in this Senate, or in this country; but neither he nor any one else can tell what that condition will then be. The degree of protection which will be required for domestic industy beyond 1842, depends upon the reduction of wages, the accumulation of capital, the improvement in skill, the protection of machinery, and the cheapening of the price, at home, of essential articles, such as fuel, iron, and so forth. I do not think that the honorable senator can throw himself forward to 1842, and tell us what, in all these particulars, will be the state of this country, and its relative state to other countries. We know that, in all human probability, our numbers will be increased by an addition of one third, at least, to their present amonnt, and that may materially reduce wages. We have reason to believe that our capital will be augmented, our skill improved; and we know that great progress has been made, and is making, in machinery. There is a constant tendency to decrease in the price of iron and coal. The opening of new mines and new channels of communication must continue to lower it. The successful introduction of the process of cooking will have great effect. The price of these articles, one of the most opulent and intelligent manufacturing houses in this country assures me, is a principal cause of the present necessity of protection to the cotton interest; and that house is strongly inclined to think that twenty per centum, with the other advantages secured in this bill, may do beyond 1842. Then, sir, what effect may not convulsions and revolutions in Europe, if any should arise, produce? I am far from desiring them that our country may profit by their occurrence. Her greatness and glory rest, I hope, upon a more solid and more generous basis. But we can not shut our eyes to the fact, that our greatest manufacturing, as well as commercial competitor, is undergoing a momentous political experiment, the issue of which is far from being absolutely certain. Who can raise the vail of the succeeding nine years, and show what, at their termination, will be the degree of competition which Great Britain can exercise toward us in the manufacturing arts?

Suppose, in the progress of gradual descent toward the revenue standard for which this bill provides, it should some years hence become evident that further protection, beyond 1842, than that which it contemplates, may be necessary, can it be doubted that, in some form or other, it will be applied? Our misfortune has been, and yet is, that the public mind has been

constantly kept in a state of feverish excitement, in respect to this system of policy. Conventions, elections, Congress, the public press, have been for years all acting upon the tariff, and the tariff acting upon them all. Prejudices have been excited, passions kindled, and mutual irritations carried to the highest pitch of exasperation, insomuch that good feelings have been almost extinguished, and the voice of reason and experience silenced, among the members of the confederacy. Let us separate the tariff from the agitating politics of the country, place it upon a stable and firm foundation, and allow our enterprising countrymen to demonstrate to the whole Union, by their skillful and successful labors, the inappreciable value of the arts. If they can have what they have never yet enjoyed, some years of repose and tranquillity, they will make, silently, more converts to the policy, than would be made during a long period of anxious struggle and boisterous contention. Above all, I count upon the good effects resulting from a restoration to the harmony of this divided people, upon their good sense and their love of justice. Who can doubt, that when passions have subsided, and reason has resumed her empire, that there will be a disposition throughout the whole Union, to render ample justice to all its parts? Who will believe that any section of this great confederacy would look with indifference to the prostration of the interests of another section, by distant and selfish foreign nations, regardless alike of the welfare of us all? No, sir; I have no fears beyond 1842. The people of the United States are brethren, made to love and respect each other. Momentary causes may seem to alienate them, but, like family differences, they will terminate in a closer and more affectionate union than ever. And how much more estimable will be a system of protection, based on common conviction and common consent, and planted in the bosoms of all, than one wrenched by power from reluctant and protesting weakness?

That such a system will be adopted, if it should be necessary for the period of time subsequent to 1842, I will not doubt. But in the scheme which I originally proposed, I did not rely exclusively, great as my reliance is, upon the operation of fraternal feelings, the return of reason, and a sense of justice. The scheme contained an appeal to the interests of the South. According to it, unmanufactured cotton was to be a free article after 1842. Gentlemen from that quarter have again and again asserted that they were indifferent to the duty of three cents per pound on cotton, and that they feared no foreign competition. I have thought otherwise; but I was willing, by way of experiment, to take them at their word; not that I was opposed to the protection of cotton, but believing that a few cargoes of foreign cotton introduced into our northern ports, free of duty, would hasten our southern friends to come here and ask that protection for their great staple, which is wanted in other sections for their interests. That feature in the scheme was stricken out in the select committee, but not by the consent of my friend from Delaware (Mr. Clayton), or myself. Still, after 1842, the South may want protection for sugar, for tobacco, for

Virginia coal, perhaps for cotton and other articles, while other quarters may need it for wool, woolens, iron, and cotton fabrics: and these mutual wants, if they should exist, will lead, I hope, to some amicable adjustment of a tariff for that distant period, satisfactory to all. The theory of protection supposes, too, that, after a certain time, the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand up against foreign competition. If, as I have no doubt, this should prove to be correct, it will, on the arrival of 1842, encourage all parts of the Union to consent to the continuance of longer protection to the few articles which may then require it.

The bill before us strongly recommends itself by its equity and impartiality. It favors no one interest, and no one State, by an unjust sacrifice of others. It deals equally by all. Its basis is the act of July last. That act was passed, after careful and thorough investigation, and long deliberation, continued through several months. Although it may not have been perfect in its adjustment of the proper measure of protection to each article which was supposed to merit it, it is not likely, that, even with the same length of time before us, we could make one more perfect. Assuming the justness of that act, the bill preserves the respective propositions for which the act provides, and subjects them all to the same equal but moderate reduction, spread over the long space of nine years. The senator from Massachusetts contends that a great part of the value of all protection is given up by dispensing with specific duties and the principle of discrimination. But much the most valuable articles of our domestic manufactures (cottons and woolens, for example), have never enjoyed the advantage of specific duties. They have always been liable to *ad valorem* duties, with a very limited application of the minimum principle. The bill does not, however, even after 1842, surrender either mode of laying duties. Discriminations are expressly recognized below the maximum, and specific duties may also be imposed, provided they do not exceed it.

The honorable senator also contends that the bill is imperfect, and that the execution of it will be impracticable. He asks, how is the excess above twenty per centum to be ascertained on coarse and printed cottons liable to minimums of thirty and thirty-five cents, and subject to a duty of twenty-five per centum, *ad valorem*; and how it is to be estimated in the case of specific duties? Sir, it is very probable that the bill is not perfect, but I do not believe that there is any thing impracticable in its execution. Much will, however, depend upon the head of the treasury department. In the instance of the cotton minimums, the statute having, by way of exception to the general *ad valorem* rule, declared, in certain cases, how the value shall be estimated, that statutory value ought to govern; and consequently, the twenty per centum should be exclusively deducted from the twenty-five per centum, being the rate of duties to which cottons generally are liable; and the biennial tenths should be subtracted from the excess of five per centum. With regard to specific duties, it will, perhaps, be competent to the Secretary

of the Treasury in the execution of the law, for the sake of certainty, to adopt some average value, founded upon importations of a previous year. But if the value of each cargo, and every part of it, is to be ascertained, it would be no more than what now is the operation in the case of woolens, silks, cottons above thirty and thirty-five cents, and a variety of other articles; and consequently there would be no more impracticability in the law.

To all defects, however, real or imaginary, which it may be supposed will arise in the execution of the principle of the bill, I oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the mean time, omissions calling for further legislation shall be discovered, there will be more time then than we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the Constitution of the United States, determined to ratify it, and go for amendments afterward.

To the argument of the senator from Massachusetts, that this interest, and that, and the other, can not be sustained under the protection, beyond 1842, I repeat the answer, that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singling out iron as an article that would be most injuriously affected by the operation of this bill. If I am not greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty (and perhaps the duty on hemp), which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the deductions from the duty are not such as seriously to impair those great interests, unless all my information deceives me; and beyond that period, the remedy has been already indicated. Let me suppose that the anticipations which I form, upon the restoration of concord and confidence, shall be all falsified; that neither the sense of fraternal affection, nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1842. Let me suppose the period has arrived, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the Congress of that day; and let me suppose, also, that a greater amount of protection than the bill provides, is absolutely necessary to some interests; what is to be done? Regarded as a pledge, it does not bind Congress forever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it exacts, is, to make a fair experiment. If, after such experiment, it should be demonstrated, that, under such an arrangement of the tariff, the interests of large portions of the Union would be sacrificed, and they exposed to ruin, Congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency,

some will be devised that may preserve the harmony and perpetuate the blessings of the Union.

It has been alleged, that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say, that both contingences are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto opposed, in regard to the tariff; and is approved by the gentleman from South Carolina (Mr. Calhoun), as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its terms, and not solely by those who happen to vote for it. It is an adjustment to which both the great interests in this country may accede without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The South has contended that every vestige of protection should be eradicated from the statute-book, and the revenue standard forthwith adopted. In assenting to this bill, it waives that pretension—yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per centum, to be subsequently applied, to discriminations below it, cash duties, home valuations, and a long list of free articles. The North and West have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1842 to a limit not exceeding twenty per centum. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and, I trust, and sincerely believe, that neither will have, hereafter, occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, since the passage, through the Senate, of the enforcing bill. To that bill, if I had been present, on the final vote, I should have given my assent, although with great reluctance. I believe this government not only possessed of the constitutional power, but to be bound by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences

to which it might lead. I felt no new-born zeal in favor of the present administration, of which I now think as I have always thought. I could not vote against the measure; I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration and to others, who might feel themselves particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the executive has resorted, in relation to our southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation is a paper of uncommon ability and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill-timed and unfortunate. Instead of allaying the excitement which prevailed it increased the exasperation in the infected district, and afforded new and unnecessary causes of discontent and dissatisfaction in the South generally. The message, subsequently transmitted to Congress, communicating the proceedings of South Carolina, and calling for countervailing enactments, was characterized with more prudence and moderation. And if this unhappy contest is to continue, I sincerely hope, that the future conduct of the administration may be governed by wise and cautious counsels, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the conflict; who can tell when, by the indiscretion of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the battle once begun, where is its limit? What latitude will circumscribe its rage? Who is to command our armies? When, and where, and how, is the war to cease? In what condition will the peace leave the American system, the American Union, and, what is more than all, American liberty? I can not profess to have a confidence, which I have not, in this administration, but if I had all confidence in it, I should still wish to pause, and, if possible, by any honorable adjustment, to prevent awful consequences, the extent of which no human wisdom can foresee.

It appears to me, then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will soothe those who love peace and concord, harmony and union. One demonstrates the power and the disposition to vindicate the authority and supremacy of the laws of the Union; the other offers that which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say, Let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately re-establish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come, in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures? When they should be laid low, who, amid the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the government? If we adjourn, without passing this bill, having intrusted the executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the South is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, if triumph he may, in a civil war, to appease the discontents of the South by a modification of the tariff, in conformity with its wishes and demands? No, sir; no, sir; let us save the country from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigences of the times in which they live. They can not, indeed, transcend the limits of the constitutional rule; but with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. Two great dangers threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country. The difference between the friends and the foes of the compromise, under consideration, is, that they would, in the enforcing act, send forth alone a flaming sword. We would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, The law! the law! the law! Power! power! power! We, too, reverence the law, and bow to the supremacy of its obligations; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think, would hazard a civil commotion, beginning in South Carolina, and extending, God only knows where. While we would vindicate the federal government, we are for peace, if possible, union, and liberty. We want no war, above all, no civil war, no family strife. We want to see no sacked

cities, no desolated fields, no smoking ruins, no streams of American blood shed by American arms!

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should have never brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest misconceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of state, to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, groveling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism—beings, who, forever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement—judge me by the venal rule which they prescribe to themselves. I have given to the winds those false accusations, as I consign that which now impeaches my motives. I have no desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold, heartless visitants, marks his weary hours, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people of these States, united or separated; I never wish, never expect to be. Pass this bill, tranquilize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public service forever. I should there find, in its groves, under its shades, on its lawns, amid my flocks and herds, in the bosom of my family, sincerity and truth, attachment, and fidelity, and gratitude, which I have not always found in the walks of public life. Yes, I have ambition; but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people; once more to revive concord and harmony in a distracted land—the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people!

THE COMPROMISE TARIFF (Continued).

IN SENATE, MARCH 1, 1833.

[A BILL to enforce the federal laws in South Carolina had become a law. Hence the propriety of the healing measure of the Compromise Tariff. The following concluding remarks of Mr. Clay on this important measure, though few, are worthy of record.]

MR. CLAY then said a few words in reference to this bill, and the enforcing bill, both of which he considered that it was necessary to send forth, as well to show that the laws must be executed, as that there is a disposition to make concessions. He stated, that on the subject of the government's being a compact, he principally agreed with the senator from South Carolina, but with some difference as to the character of the right conferred by that compact. He did not adopt the opinion, that there had been any advance made in usurpation of powers by the general government. He then went into a view of the history of this system, to show that, twelve or thirteen years ago, there was no opposition raised against the power of Congress to protect domestic industry. The opposition on constitutional grounds had subsequently grown up. He then stated that, in his opinion, no State could so practically construe the Constitution as to nullify the laws of the United States, without plunging the country into all the miseries of anarchy. He said that he adhered to the doctrines of that ablest, wisest, and purest of American statesmen, James Madison, who still lives, and resides in Virginia—the doctrines which were advanced by him in 1799. The answer of that distinguished man to the resolutions of the other States, and his address to the people, effected a sudden revolution of public opinion. The people rallied around him; the alien and sedition laws were repealed; and the usurpations of the general government were arrested. He viewed the government as federative in its origin, in its character, and in its operation, and under the clause of the Constitution which gives to Congress power to pass all laws to carry into effect the granted powers, they could pass all necessary laws. He hoped that the effect of this bill would conciliate all classes and all sections of the Union.

He did not arrogate any merit for the passage of this bill. He had cherished this system as a favorite child, and he still clung to it, and

should still cling to it. Why had he been reproached? He had come to the child and found it in the hands of the Philistines, who were desirous to destroy it. He wished to save and cherish it, and to find for it better and safer nurses. He did not wish to employ the sword, but to effect his object by concession and conciliation. He wished to see the system placed on a securer basis, to plant it in the bosoms and affections of the people. The gentleman from Pennsylvania, who had learned his views of the system from the senator from South Carolina, had spoken of him as the pilot who was directing the vessel. If it was so, he would ask if she had been secured by a faithful crew? If all had been faithful, he believed there would have been no danger in assailing the system. He assailed no one; he merely defended himself against the reproaches of others.

Another motive with him was to preserve the Union. He feared he saw hands uplifted to destroy the system; he saw the Union endangered; and in spite of all peril which might assail himself, he had determined to stand forward and attempt the rescue.

He felt himself pained exceedingly in being obliged to separate on the question, from valued friends, especially from his friend from Massachusetts, whom he had always respected, and whom he still respected. He then replied to the argument founded on the idea that the protective principle had been abandoned by this bill. He admitted that protection had been better secured by former bills, but there was no surrender by this. He considered revenue as the first object, and protection as the second. As to the reduction of the revenue, he was of opinion that there was an error in the calculations of gentlemen. He thought that, in the article of silks alone, there would be a considerable reduction. The protection to the mechanic arts was only reduced by the whole operation of the bill to twenty-six per centum, and he did not know that there would be any just ground for complaint, as some of the mechanic arts now enjoy only twenty-five per centum.

The argument of the senator from New York (Mr. Wright) was against the bill, but he was happy to find his vote was to be for it. If his argument brought other minds to the same conclusion to which it had brought his, the bill would not be in any danger. He would say, save the country; save the Union; and save the American system.

ON PRESIDENT JACKSON'S VETO OF THE LAND BILL.

IN SENATE, DECEMBER 5, 1833.

[Mr. Clay's Land Bill had passed both Houses of Congress, on the 1st of March, 1833, by majorities sufficiently large to make it a law against the president's veto, or to make it probable that such would be the result of such a contingency. But General Jackson did not return the bill, but put it in his pocket for future use. On the 4th of March of this year, the Twenty-second Congress ceased to exist, and with it expired the first term of General Jackson's presidency. Consequently, it was impossible that General Jackson, who entered on his second term of office as a newly-elected president, the 4th of March, 1833, or that the Twenty-third Congress which came in on that day, could either of them constitutionally enter on any unfinished business of the Twenty-second Congress. Nor could the Twenty-third Congress take it up, except *de novo*. The Constitution prescribes, that a bill which has passed both Houses of Congress, if not approved by the president, shall be returned by him in ten days to the House in which it originated, with his reasons. But the same Senate which originated Mr. Clay's Land Bill did not exist after the 3d of March, 1833. The bill, therefore, was evidently dead, and General Jackson killed it by retaining it in his pocket, and not returning it to the Senate of the Twenty-second Congress. Nevertheless, General Jackson, a new president, being in his second term, sent back the bill to the new Senate of the Twenty-third Congress, with his reasons for disapproving it. He took a dead carcass, murdered by his own hand, and flung it on the floor of the Senate of the United States!

The retaining of the bill was an unwarranted assumption of power, which would have been tolerated in no man except General Jackson; and throwing it at the Senate of the Twenty-third Congress was an insult to that body, which could not entertain, and which had no right to touch it. It would have

been equally proper to send it to one of the Houses of the British Parliament, as neither they nor either House of the Twenty-third Congress had any constitutional connection with it. It was dead also in General Jackson's hands, after the 3d of March, 1833, as the only term of its vitality was ten days after it was handed to the president, during which term, if the same Congress had continued, and the same president been in the chair, it should have been approved, or returned with a veto; or if neither approved nor returned, it would pass into law *sub silentis*. If, however, Congress adjourns before ten days, it can not become a law; and if the president neither approves nor returns it before the adjournment that happens within ten days, it is of course dead. The Twenty-second Congress, however, did not adjourn in this case; but it *expired* on the 3d of March, which might possibly raise the question, whether the bill, not having been approved or returned, did not become a law; but it could not raise the question, whether General Jackson, in his second term of office, had any right to touch it. If the bill did not become a law in consequence of his neglect of it during his first term, it was dead.

All these things were perfectly well known to General Jackson, and yet he pocketed the bill, and returned it to the Senate of the Twenty-third Congress, a new body, himself a newly-elected president, and therefore not the same official to whom the bill was sent, although the same person.]

This measure had been first introduced into Congress at the session before the last, under circumstances which must be within the recollection of every member of the Senate. Its object was, to dispose of the proceeds of the public lands for a limited time. The subject had been greatly discussed not only in Congress, but throughout the country. The principles and provisions of the bill were well and generally understood. The subject had attracted the attention of the chief magistrate himself, and this bill was made the subject of commentary in his message at the commencement of the last session of Congress. It must, therefore, be considered as a subject perfectly well understood by the president, for it was not to be supposed that he would have commented upon it, and recommended it to the attention of Congress, if it had not been understood. During the last session, this bill, which had previously been before the House, was introduced in this body, and was passed, and sent to the other House, whence it was returned with a slight amendment, taking away the discretion which had been vested in the State Legislatures as to the disposal of the proceeds. This bill, which had been before Congress the session before the last,

which had passed at the last session, having been before the country for a whole year, when it passed the two Houses, was placed before the executive, with a number of other measures, just before the close of the last Congress. As the subject had been before the president for consideration so long previously to the passage of the bill, and he had reflected upon it, it was not to have been expected that he would take advantage of the shortness of the session to retain the bill until this time. Yet such had been the fact, and a proceeding had taken place which was unprecedented and alarming, and which, unless the people of this country were lost to all sense of what was due to the legislative branch of the government, to themselves, and to those principles of liberty which had been transmitted to them from the Revolution, they would not tolerate. It was at least due to the Legislature, that the president should have sent a few lines, courteously informing them, that when his own mind was made up he would communicate the result. But, without deigning to make known his intention, or to impart the reasons which influenced him, he despotically kept silence, and retained the bill. He begged leave to congratulate the Senate on the return of the bill. The question which now presented itself was, whether the bill was dead, in consequence of the non-action of the president, or whether it had become an existing law. He was not now about to discuss that question; but he had felt himself called on to make a few observations on the extraordinary course, and to say that it was due to Congress, to the people, and to the executive himself, to have informed the last Congress in reference to this subject, concerning which he must have made up his mind. He would now move to lay this bill on the table, and would afterward give notice of a day when he should ask leave to bring in a bill in order to submit it again to the action of the Senate.

Mr. Kane wished to know if it was the intention of the senator from Kentucky that the bill should lie permanently on the table, or only to be called up at an early day.

Mr. Clay replied that the only alternative was to consider the bill as defunct, or as an existing law. If the gentleman from Illinois could point out any other course, he had read some clause in the Constitution which he (Mr. Clay) had never been so fortunate as to find.

Mr. Benton said he would wish to make a remark; and, if he was precluded by the pressing of this question, he would find some other opportunity of making it.

The question was then taken on the motion to lay the bill upon the table, and decided in the affirmative—ayes nineteen.

Mr. Benton then moved to take up the message for consideration

After further discussion, Mr. Clay said he did not rise to reply to any one who had felt himself called upon to rise in the Senate to vindicate the president. If there were any such member, he did not wish to disturb him in his office of vindicator of the president, or to affect the complacency

with which he might regard his vindication. But he (Mr. Clay) stood here to sustain his own course, to vindicate the Constitution, and to vindicate the rights of Congress under it. And he must repeat, that the withholding of the land bill, at the last session, under the circumstances of the case, was a violation of the Constitution, and disrespectful to the Senate. What were the circumstances?

At two different sessions of Congress, the land subject was before it. At that which preceded the last, a bill had been introduced to distribute among the States the proceeds of the public lands. The whole subject, by the bill and by reports of committees, was laid before Congress and spread before the country. A copy of the bill, when it was first introduced, according to the constant practice of Congress, was sent to the president. He was thus, as well as the country generally, put in entire possession of the matter. It attracted great public attention. It engaged that of the president. And, accordingly, at the commencement of the last session, in his annual message, he adverted to it, in a manner which evidently showed that the writer of the message fully understood it, and all the views which had been developed about it.

[Here Mr. Clay read the message of the last session, so far as it related to the public lands, to show that the president had himself invited the attention of Congress to it, as one of urgent and pressing importance; that the discretion of Congress to make any disposition of the public lands, which they might deem best for the harmony, union, and interest of the United States, was uncontrolled; that the question ought speedily to be settled; and that the president had considered, but objected to the bill of the previous session, proposing, as a substitute, a plan of his own, which, while the message on the table argued that the public lands belonged to all the States, proposed to give the unsold lands to some of them.]

Thus was Congress, at the commencement of the last session, officially invited to act, and to act speedily, respecting the public lands; and thus did the president manifest his knowledge of the provisions of the bill of the previous session. Well, sir, Congress again took up the question. The identical bill of the previous session was again introduced, and again, prior to its passage, placed before the president, along with the other printed documents, according to standing usage. And it was passed by both Houses, substantially in the shape in which at the previous session it was passed by the Senate, except that the restriction as to the power of the States to supply the sum to be distributed among the several States, after the deduction of the twelve and a half per centum first set apart for the new States, was stricken out.

In this form, the bill was laid before the president on the 2d day of March last. It was no stranger, but an old acquaintance. He had seen it repeatedly before; and he must have been well informed as to its progress in Congress. He had commented on the very project contained in the

bill, when he had brought forward his own in his message, at the opening of the session. Without deigning to communicate to Congress what disposition he had made, or meant to make of it, he permitted the body to rise, in utter ignorance of his intentions.

It may be true that there was a great press of business on the president on the 2d of March, and that he may have acted upon some ninety or one hundred bills. But this is what occurs with every president on the day before the termination of the short session of Congress. With most of those bills the president must have been less acquainted than he was with the land bill. Of some of them he probably had never heard at all. Not one of them possessed the importance of the land bill. How did it happen that the president could find time to decide on so many new bills, and yet had not time to examine and dispose of one which had long been before him and the public; one embracing a subject which he thought the union, harmony, and interests of the States required should be speedily adjusted; one which he himself had pronounced his judgment upon at the commencement of the session? By withholding the bill, the president took upon himself a responsibility beyond the exercise of the veto. He deprived Congress altogether of its constitutional right to act upon the bill, and to pass it, his negative notwithstanding.

The president is, by the Constitution, secured time to consider bills which shall have passed both branches of Congress. But so is Congress equally secured the right to act upon bills which they have passed, and which the president may have thought proper to reject. If he exercises his veto, and returns the bill, two thirds may pass it. But if he withholds the bill, it can not become a law, even although the two Houses should be unanimously in its favor.

Mr. Clay denied that the Constitution gave to the president ten days to consider bills, except at the long session. At that session the period of its termination is uncertain, and dependent upon the will of Congress. To guard against a sudden adjournment, by which the president might be deprived of due time to deliberate on an important bill, the Constitution provides for ten days at that session. But, at the short session, it is not an adjournment, but a dissolution of Congress, on the 3d of March, and the day of that dissolution is fixed in the Constitution itself, and known to all.

Mr. Clay contended, therefore, that the act of withholding the bill was arbitrary and unconstitutional, by which Congress, and the Senate especially, in which the bill originated, were deprived of their constitutional right of passing on the bill, after the president had exercised his powers. Respect to Congress required of the president, if he really had not time to form a judgment on the bill, or, having formed it, had not time to lay his reasons before the body, a communication to that effect. But, without condescending to transmit one word upon the subject to Congress, he suffered the session to terminate, and the members to go home destitute of all information, until this day, of his intentions.

Mr. Benton then withdrew his motion to take up the bill.

ON THE REMOVAL OF THE DEPOSITS

IN SENATE, DECEMBER 26, 1833.

[History is philosophy teaching by example. This maxim has great force in application to the facts which constitute the subject of the following speech. The liberties of the country never came so near a wreck as when General Jackson removed the deposits from the Bank of the United States, and the American people will never know their obligations to Mr. Clay for stepping forward on this occasion, and rebuking, as he did, this alarming assumption of power. The following speech is now history, and it is almost incredible. General Jackson had gained an irresistible ascendency over the minds of the people, and he wanted that balance of character which is required to use it for the best ends. His first election was a triumph, and his second election seated him firm in the seat of power. He was giddy in his elevation, and knew that he could do what he pleased; and he set out to do it with a strong hand. Neither the Constitution nor the laws could stand in his way, and they snapped like threads before his will. Mr. Clay was the only man that could stand up in the Senate of the nation, and depict these enormities as they deserved. True, General Jackson was not the man to heed advice from that quarter, delivered in such terms, if he had not gone too far, and shocked the sense of the nation, and if there had not been those about him who could have some influence in checking and modifying his violent passions. This speech of Mr. Clay, simply because it was true, told with tremendous power, not only on General Jackson, indirectly through that public opinion on which it acted to arrest his career of usurpation; but it told also with not less effect on the man who consented to be the tool of this outrage on the Constitution and laws; and it will never be forgotten, that he who has officiated as Chief Justice of the United States for a quarter of a century, purchased that high dignity by having obsequiously bowed himself to the order of a master! He, whose

first act in the public service was a violation of the Constitution and the laws, was put at the head of a bench which was ordained to judge of the Constitution and laws for all the people of the United States! And he was put there because he himself had been a violater of both! In this may be seen how the very fountain of justice is open to corruption by bribery. It is not denied that Chief Justice Taney may have adorned his position as the head of the federal judiciary, nor that he has not generally discharged his duties with fidelity. Possibly this speech of Mr. Clay may have had a salutary influence upon him. For, if otherwise fit for the place he has so long filled, he must have been well endowed with qualities to profit by the lecture that was read to him in the Senate of the United States, December 26, 1833, and which from that time has been ringing in his ears. But the great fact, that he purchased that high office by one of the most violent outrages on the Constitution and laws of the United States, can never be obliterated from history, so long as the following speech of Mr. Clay constitutes a part of history. It is true that Chief Justice Taney was then only Secretary of the Treasury; but it is equally well known that he was made Chief Justice because he consented to remove the deposits.

The influence of this speech, and of other similar efforts of Mr. Clay, in arresting the mad career of General Jackson, and saving the country from impending calamities, can never be known; but it was great and wide-spread, and will never cease to be instructive as a matter of history.]

Resolved, that by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the bank of the United States and its branches, in conformity with the president's opinion; and by appointing his successor to effect such removal, which has been done, the president has assumed the exercise of a power over the treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people.

Resolved, that the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States, deposited in the bank of the United States and its branches, communicated to Congress on the 3d of December, 1833, are unsatisfactory and insufficient.

We are in the midst of a revolution, hitherto bloodless, but rapidly tending toward a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man. The powers of Congress are paralyzed, except when exerted in conformity with his will, by frequent and an extraordinary exercise of the executive

veto, not anticipated by the founders of our Constitution, and not practiced by any of the predecessors of the present chief magistrate. And, to cramp them still more, a new expedient is springing into use, of withholding alto gether bills which have received the sanction of both Houses of Congress, thereby cutting off all opportunity of passing them, even if, after their return, the members should be unanimous in their favor. The constitutional participation of the Senate in the appointing power is virtually abolished by the constant use of the power of removal from office, without any known cause, and by the appointment of the same individual to the same office after his rejection by the Senate. How often have we, senators, felt that the check of the Senate, instead of being, as the Constitution intended, a salutary control, was an idle ceremony? How often, when acting on the case of the nominated successor, have we felt the injustice of the removal? How often have we said to each other, well, what can we do? the office can not remain vacant without prejudice to the public interest, and, if we reject the proposed substitute, we can not restore the displaced; and, perhaps, some more unworthy man may be nominated.

The judiciary has not been exempt from the prevailing rage for innovation. Decisions of the tribunals, deliberately pronounced, have been contemptuously disregarded. And the sanctity of numerous treaties openly violated. Our Indian relations, coeval with the existence of the government, and recognized and established by numerous laws and treaties, have been subverted, the rights of the helpless and unfortunate aborigines trampled in the dust, and they brought under subjection to unknown laws, in which they have no voice, promulgated in an unknown language. The most extensive and most valuable public domain that ever fell to the lot of one nation, is threatened with a total sacrifice. The general currency of the country—the life-blood of all its business—is in the most imminent danger of universal disorder and confusion. The power of internal improvement lies crushed beneath the veto. The system of protection of American industry was snatched from impending destruction at the last session; but we are now coolly told by the Secretary of the Treasury, without a blush, "that it is understood to be conceded on all hands, that the tariff for protection merely is to be finally abandoned." By the 3d of March, 1837, if the progress of innovation continues, there will be scarcely a vestige remaining of the government and its policy, as they existed prior to the 3d of March, 1829. In a term of eight years, a little more than equal to that which was required to establish our liberties, the government will have been transformed into an elective monarchy—the worst of all forms of government.

Such is a melancholy but faithful picture of the present condition of our public affairs. It is not sketched or exhibited to excite, here or elsewhere, irritated feeling. I have no such purpose. I would, on the contrary, implore the Senate and the people to discard all passion and prejudice, and to look calmly, but resolutely, upon the actual state of the Constitution

and the country. Although I bring into the Senate the same unabated spirit, and the same firm determination which have ever guided me in the support of civil liberty, and the defense of our Constitution, I contemplate the prospect before us with feelings of deep humiliation and profound mortification.

It is not among the least unfortunate symptoms of the times, that a large portion of the good and enlightened men of the Union, of all parties, are yielding to sentiments of despondency. There is, unhappily, a feeling of distrust and insecurity pervading the community. Many of our best citizens entertain serious apprehensions, that our Union and our institutions are destined to a speedy overthrow. Sir, I trust that the hopes and confidence of the country will revive. There is much occasion for manly independence and patriotic vigor, but none for despair. Thank God, we are yet free; and, if we put on the chains which are forgeing for us, it will be because we deserve to wear them. We should never despair of the republic. If our ancestors had been capable of surrendering themselves to such ignoble sentiments, our independence and our liberties would never have been achieved. The winter of 1776–7 was one of the gloomiest periods of the Revolution; but on this day, fifty-seven years ago, the father of his country achieved a glorious victory, which diffused joy and gladness and animation throughout the States. Let us cherish the hope that, since he has gone from among us, Providence, in the dispensation of his mercies, has near at hand in reserve for us, though yet unseen by us some sure and happy deliverance from all impending dangers.

When we assembled here last year, we were full of dreadful forebodings. On the one hand we were menaced with a civil war, which, lighted up in a single State, might spread its flames throughout one of the largest sections of the Union. On the other, a cherished system of policy, essential to the successful prosecution of the industry of our countrymen, was exposed to imminent danger of immediate destruction. Means were happily applied by Congress to avert both calamities; the country was reconciled, and our Union once more became a band of friends and brothers. And I shall be greatly disappointed, if we do not find those who were denounced as being unfriendly to the continuance of our confederacy, among the foremost to fly to its preservation, and to resist all executive encroachment.

Mr. President, when Congress adjourned, at the termination of the last session, there was one remnant of its powers, that over the purse, left untouched. The two most important powers of civil government are, those of the sword and the purse. The first, with some restriction, is confided by the Constitution to the executive, and the last to the legislative department. If they are separate, and exercised by different responsible departments, civil liberty is safe; but if they are united in the hands of the same individual, it is gone. That clear-sighted and sagacious revolutionary orator and patriot, Patrick Henry, justly said, in the Virginia convention, in reply to one of his opponents:

"Let him candidly tell me where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and the purse. Can you prove by any augmentative deduction, that it is possible to be safe without one of them? If you give them up you are gone."

Up to the period of the termination of the last session of Congress, the exclusive constitutional power of Congress over the treasury of the United States had never been contested. Among its earliest acts was one to establish the treasury department, which provided for the appointment of a treasurer who was required to give bond and security in a very large amount, "to receive and keep the money of the United States, and to disburse the same, upon warrants drawn by the Secretary of the Treasury, countersigned by the comptroller, recorded by the register, and not otherwise." Prior to the establishment of the present bank of the United States, no treasury or place had been provided and designated by law for the safe-keeping of the public moneys, but the treasurer was left to his own discretion and responsibility. When the existing bank was established, it was provided that the public moneys should be deposited with it, and consequently that bank became the treasury of the United States. For whatever place is designated by law for the keeping of the public money of the United States, under the care of the treasurer of the United States, is for the time being the treasury. Its safety was drawn in question by the chief magistrate, and an agent was appointed, a little more than a year ago, to investigate its ability. He reported to the executive, that it was perfectly safe. His apprehensions of its solidity were communicated by the president to Congress, and a committee was appointed to examine the subject. They, also, reported in favor of its security. And, finally, among the last acts of the House of Representatives, prior to the close of the last session, was the adoption of a resolution, manifesting its entire confidence in the ability and solidity of the bank.

After all these testimonies to the perfect safety of the public moneys, in the place appointed by Congress, who could have supposed that the place would have been changed? Who could have imagined, that within sixty days of the meeting of Congress, and, as it were, in utter contempt of its authority, the change should have been ordered? Who would have dreamed, that the treasurer should have thrown away the single key to the treasury, over which Congress held ample control, and accepted in lieu of it some dozens of keys, over which neither Congress nor he has any adequate control? Yet, sir, all this has been done; and it is now our solemn duty to inquire, first by whose authority it has been ordered? and, secondly, whether the order has been given in conformity with the Constitution and laws of the United States?

I agree, sir, and I am happy whenever I can agree with the president, as to the immense importance of these questions. He says, in a paper which I hold in my hand, that he looks upon the pending question as involving

higher consideration than the "mere transfer of a sum of money from one bank to another. Its decision may affect the character of our government for ages to come." And with him, I view it as of transcendent importance, both in its consequences and the great principles which the question involves. In the view which I have taken of this subject, I hold the bank as nothing, as perfectly insignificant, faithful as it has been in the performance of all its duties, efficient as it has proved in regulating the currency, than which there is none in all Christendom so sound, and deep as is the interest of the country in the establishment and continuance of a sound currency, and the avoidance of all those evils which result from a defective or unsettled currency. All these I regard as questions of no importance, in comparison with the principles involved in this executive innovation. It involves the distribution of power by the executive, and the taking away a power from Congress which it was never before doubted to possess—the power over the public purse. Entertaining these views, I shall not, to-day, at least, examine the reasons assigned by the president, or by the Secretary of the Treasury; for if the president had no power to perform the act, no reasons however cogent or strong, which he can assign as urging him to the accomplishment of his purpose, no reasons, can sanctify an unconstitutional and illegal act.

The first question, sir, which I intimated it to be my purpose to examine, was, by whose direction was this change of the deposits made?

Now, sir, is there any man who hears me, who requires proof on this point? Is there an intelligent man in the whole country who does not know who it was that decided on the removal of the deposits? Is it not of universal notoriety? Does any man doubt that it was the act of the president? That it was done by his authority and at his commaud? The president, on this subject, has himself furnished evidence which is perfectly conclusive, in the paper which he has read to his cabinet; for, although he has denied to the Senate an official copy of that paper, it is universally admitted that he has given it to the world, as containing the reasons which influenced him to this act. As a part of the people, if not in our senatorial character, we have a right to avail ourselves of that paper, and of all which it contains. Is it not perfectly conclusive as to the authority by which the deposits have been removed? I admit that it is an unprecedented and most extraordinary power. The Constitution of the United States admits of a call, from the chief magistrate, on the heads of departments, for their opinions in writing.

It appears, indeed, that this power which the Constitution confers on the president, had been exercised, and that the cabinet were divided, two and two; and one, who was ready to go on either side, being a little indifferent how this great constitutional power was settled by the president. The president was not satisfied with calling on his cabinet for their opinions, in the customary and constitutional form; but he prepares a paper of his own, and instead of receiving reasons from them, reads to them, and thus

indoctrinates them according to his own views. This, sir, is the first time in the history of our country, when a paper has been thus read, and thus published. The proceeding is entirely without precedent. Those who now exercise power, consider all precedents wrong. They hold precedents in contempt; and casting them aside, have commenced a new era in administration. But while they thus hold all precedents in contempt, disregarding all, no matter how long established, no matter to what departments of the government they may have given sanction, they are always disposed to shield themselves behind a precedent, whenever they can find one to subserve their purpose.

But the question is, Who gave the order for the removal of the deposits? By whose act were they removed from the bank of the United States, where they were required by the law to be placed, and placed in banks which the law never designated? I tell the gentlemen who are opposed to me, that I am not to be answered by the exhibition of an order signed by R. Taney, or any one else. I want to know, not the clerk who makes the writing, but the individual who dictates—not the hangman who executes the culprit, but tho tribunal which orders the execution. I want the original authority, that I may know by whose order, on whose authority, the public deposits were removed, and I again ask, is there a member of this Senate, is there an intelligent man in the whole country, who doubts on this point? Hear what the president himself says, in his manifesto read to his cabinet:

"The president deems it his duty, to communicate in this manner to his cabinet the final conclusion of his own mind, and the reasons on which they are founded," and so forth.

At the conclusion of this paper what does he say?

"The president again repeats, that he begs his cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying, that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people can not be commenced too soon, and he therefore names the 1st day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made."

Sir, is there a senator here who will tell me that this removal was not made by the president? I know, indeed, that there are in this document many of those most mild, most gracious, most condescending expressions, with which power too well knows how to clothe its mandates. The presi-

dent coaxes, he soothes the secretary, in the most bland and conciliating language:

"In the remarks he has made on this all-important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the president has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the president would be as careful to avoid, as to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration."

Sir, how kind! how gentle! How very gracious must this have sounded in the gratified ear of the Secretary of the Treasury! Sir, it reminds me of an historical anecdote, related of one of the most remarkable characters which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain or Ireland (I do not now remember which), he besieged a certain Catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor Catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper containing the terms was brought to Oliver, who, putting on his spectacles to read it, cried out, "Oh, granted, granted, certainly;" be added, however, "but if one of them shall dare to be found attending mass, he shall be hanged;" (under what section is not mentioned; whether under a second, or any other section, of any particular law, we are not told).

Thus, sir, the secretary was told by the president, that he had not the slightest wish to dictate—Oh, no; nothing is further from the president's intention; but, sir, what was he told in the sequel? "If you do not comply with my wishes—if you do not effect the removal of these deposits within the period I assign you—you must quit your office." And what, sir, was the effect? This document bears date on the 18th of September. In the official paper, published at the seat of government, and through which it is understood that the government makes known its wishes and purposes to the people of the United States, we were told, under date of the 20th of September, 1833, two days only after this cabinet paper was read, as follows:

"We are authorized to state"—[authorized; this is the word which gave credit to this annunciation—] "We are authorized to state, that the deposits of the public money will be changed from the bank of the United States to the State banks, as soon as necessary arrangements can be made for that purpose; and that it is believed they can be completed in Baltimore, Philadelphia, New York, and Boston, in time to make the change by the 1st of October, and perhaps sooner, if circumstances should render an earlier action necessary on the part of the government."

Yes, sir, on the 18th of September this measure was decided on; and on the 20th, it is announced to the people, that the deposits would be re-

moved by the 1st of October, or sooner, if practicable! Mr. Duane was continued in office till the 23d, on which day he was dismissed; and between the 23d and the 26th, on which latter day the mere clerical act of signing the order for removal was performed, Mr. Taney, by whom it was done, was appointed Secretary of the Treasury, having conformed to the will of the president, against his own duty, which Mr. Duane would not do. Yes, sir, on the 20th went forth this proclamation, by authority, of the removal of the deposits, although Mr. Duane remained in office till the 23d. On this point we have conclusive proof in a letter of the president to that gentleman, dated on the 23d, which letter, after all the gracious, friendly, and conciliating language of the cabinet paper, concludes in these terms:

"I feel constrained to notify you, that your further services as Secretary of the Treasury are no longer required."

Such, Mr. President, is the testimony on the one side to prove the truth of the proposition, that the removal of the deposits from the bank of the United States, was a measure determined on by the president himself—determined on while the latter Secretary of the Treasury was still in office, and against the will of the secretary; although Mr. Taney may have put his signature to the order on the 26th—a mere ministerial act, done in conformity with the previous decision of the president, that the removal should take place on or before the 1st of October.

I now call the attention of the Senate to testimony of the other party; I mean Mr. Duane. After giving a history of the circumstances which accompanied his appointment to office, and what passed antecedently to his removal, he proceeds to say:

"Thus was I thrust into office; thus was I thrust from office; not because I had neglected any duty; not because I had differed with him about the bank of the United States; but because I refused, without further inquiry by Congress, to remove the deposits."

Can testimony be more complete to establish the proposition I have advanced? And is it possible, after the testimony of the president on one side, and of his secretary on the other, that the former had decided that the deposits should be removed, and had removed the secretary because he would not do it, that any man can doubt that the removal was the president's own act?—that it was done in accordance with his command?

And now, sir, having seen that the removal was made by the command and authority of the president, I shall proceed to inquire whether it was done in conformity with the Constitution and laws of the United States.

I do not purpose at this time to go into the reasons alleged by the president or his secretary, except so far as those reasons contain an attempt to show that he possessed the requisite authority. Because if the president of the United States had no power to do this thing—if the Constitu-

tion and laws, instead of authorizing it, required him to keep his hands off the treasury—it is useless to inquire into any reasons he may give for exercising a power which he did not possess. Sir, what power has the President of the United States over the treasury? Is it in the charter establishing the bank? The clause of the charter relating to the public deposits declares,

"That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

This is in strict consonance with the act creating the treasury department in 1789. The Secretary of the Treasury is by that act constituted the agent of Congress; he is required to report to Congress, annually, the state of the finances, and his plans respecting them; and if Congress, in either of its branches, shall require it, he is to report at any time on any particular branch of the fiscal concerns of the country. He is the agent of Congress to watch over the safety of the national deposits; and if, from any peculiar circumstances, the removal of them shall be required, he is to report the fact—to whom? to the president? No, sir; he must report to Congress, together with his reasons therefor. By the charter of the bank, the President of the United States is clothed with two powers respecting it, and two only. By one of its clauses he is authorized to nominate, and by and with the consent of the Senate, to appoint the government directors, and to remove them; by the other clause he is empowered to issue a *scire facias* when he shall apprehend that the charter of the institution has been violated. These, I say, are the only powers given him by the charter; all others are denied to him, and are given to others. The bank is not bound to report the state of its affairs to him, but to the Secretary of the Treasury; and it is thus to report whenever he shall call upon it for information; but when it becomes necessary to go further, a committee of Congress is authorized to examine the books of the bank, and to look into the whole state of its affairs, and to report, not to the president, but to Congress, who appointed them. The president, as I have said, is restricted to the two powers of appointing directors, and issuing a *scire facias*.

And has the president any power over the treasury by the Constitution? None, sir—none. The Constitution requires that no money shall be drawn from the treasury except by appropriation, thus placing it entirely under the control of Congress. But the president himself says—"upon him has been devolved, by the Constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed." Sir, the president, in another part of this same paper, refers to the same suf

frages of the American people, as the source of some new powers over and above those in the Constitution, or at least as expressive of their approbation of the exercise of them. Sir, I differ from the president on this point; and though it does not belong exactly in this place in the argument, I will add a remark or two on this idea. His re-election resulted from his presumed merits generally, and the confidence and attachment of the people; and from the unworthiness of his competitor; nor was it intended thereby to express their approbation of all the opinions he was known to hold. Sir, it can not be believed that the great State of Pennsylvania, for instance, which has so justly been denominated the key-stone of our federal arch, in voting again and again for the present chief magistrate, meant by that act to reverse her own opinions on the subject of domestic industry. Sir, the truth is, that the re-election of the president proves as little an approbation by the people of all the opinions he may hold, even if he had ever unequivocally expressed what those opinions were (a thing which he never, so far as my knowledge extends, has yet done), as it would prove that if the president had a carbuncle or the king's evil, they meant, by re-electing him, to approve of his carbuncle.

But the president says, that the duty "has been devolved upon him," to remove the deposits, "by the Constitution and the suffrages of the American people." Sir, does he mean to say that these suffrages created of themselves a new source of power? That he derived an authority from them which he did not hold as from any other source? If he means that their suffrages made him the president of the United Sthtes, and that, as president, he may exercise every power pertaining to that office under the Constitution and the laws, there are none who can controvert it; but then there could be no need to add the suffrages to the Constitution. But his language is, "the suffrages of the American people and the Constitution." Sir, I deny it. There is not a syllable in the Constitution which imposes any such duty upon him. There is nothing of any such thing; no color to the idea. It is true, that by law, all the departments, with the exception of the treasury, are placed under the general care of the president. He says this is done by the Constitution. The laws, however, have appointed but three executive departments; and it is true, that the secretaries are often required by law to act in certain cases according to the directions of the president. So far it is admitted that they have been, by the law (not by the Constitution), placed under the direction of the president. Yet, even as to the State Department, there are duties devolving upon the secretary over which the president has no control; and for the non-performance of which that officer is responsible, not to the president, but to the legislative tribunals, or to the courts of justice. This is no new opinion. The Supreme Court, in the case of Marbury and Madison, expressed it in the following terms:

"By the Constitution of the United States, the president is invested with certain important political powers, in the exercise of which, he is to use his own

discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity to his orders.

* * * * * * * * *

"In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the president. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examined by the courts.

"But when the Legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts (that is, when he is not placed under the direction of the president), when the rights of individuals are dependent on the performance of those acts, he is so far the officer of the law; is amenable to the laws for his conduct; and can not at his discretion sport away the vested rights of others.

"The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy."

Though the president is mistaken in his assertion, that the Constitution devolves upon the president the superintendence of the departments, there is one clause of that instrument which he has very correctly quoted, and which makes it his duty to "see that the laws are faithfully executed," a. it is mine now to examine what authority he obtains by this clause in the case before us. Under it, the most enormous pretensions have been set up for the president.

It has been contended, that if a law shall pass which the president does not conceive to be in conformity with the Constitution, he is not bound to execute it; and if a treaty shall have been made, which, in his opinion, has been unconstitutional in its stipulations, he is not bound to enforce them. And it necessarily follows, that, if the courts of justice shall give a decision, which he shall in like manner deem repugnant to the Constitution, he is not expected or bound to execute that law. Sir, let us look a little into this principle, and trace it out into some of its conse quences.

One of the most important acts performed at the department is, to settle those very large accounts which individuals have with the government;

accounts amounting to millions of dollars; to settle them, an auditor and a comptroller have been appointed by law, whose official acts may affect, to the extent of hundreds of thousands of dollars, the property of individual contractors. If the pretensions of the president are well founded, his power goes further than he has exerted it. He may go into the office of the auditor, or the office of the comptroller, and may say to him, Sir, Mr. A. B. has an account under settlement in this office, one item of which, objected to by you, I consider to be in accordance with the Constitution; pass that account and send it to the auditor; and he may then go to the auditor and hold similar language. If the clause of the Constitution is to be expounded as is contended for, it amounts to a complete absorption of all the powers of government in the person of the executive. Sir, when a doctrine like this shall be admitted as orthodox, when it shall be acquiesced in by the people of this country, our government will have become a simple machine enough. The will of the president will be the whole of it. There will be but one bed, and that will be the bed of Procrustes; but one will, the will of the president. All the departments, and all subordinate functionaries of government, great or small, must submit to that will; and if they do not, then the president will have failed to "see that the laws are faithfully executed."

Sir, such an extravagant and enormous pretension as this must be set alongside of its exploded compeer, the pretension that Congress has the power of passing any and all laws which it may suppose conducive to "the general welfare."

Let me, in a few words, present to the Senate what are my own views as to the structure of this government. I hold that no powers can legitimately be exercised under it but such as are expressly delegated, and those which are necessary to carry these into effect. Sir, the executive power, as existing in this government, is not to be traced to the notions of Montesquieu, or of any other writer of that class, in the abstract nature of the executive power. Neither is the legislative nor the judicial power to be decided by any such reformer. These several powers with us, whatever they may be elsewhere, are just what the Constitution has made them, and nothing more. And as to the general clauses in which reference is made to either, they are to be controlled and interpreted by those where these several powers are specially delegated, otherwise the executive will become a great vortex that must end in swallowing up all the rest. Nor will the judicial power be any longer restrained by the restraining clauses in the Constitution, which relate to its exercise.

What then, it will be asked, does this clause, that the president shall see that the laws are faithfully executed, mean? Sir, it means nothing more nor less than this, that if resistance is made to the laws, he shall take care that resistance shall cease. Congress, by the first article of the eighth section of the Constitution, is required to provide for calling out the militia to execute the laws in case of resistance. Sir, it might as well be contended

under that clause, that Congress have the power of determining what are, and what are not, the laws of the land. Congress has the power of calling out the military; well, sir, what is the president, by the Constitution? He is commander of the army and navy of the United States, and of the militia when called out into actual service. When, then, we are here told that he is clothed with the whole physical power of the nation, and when we are afterward told that he must take care that the laws are faithfully executed, is it possible that any man can be so lost to the love of liberty, as not to admit that this goes no further than to remove any resistance which may be made to the execution of the laws? We have established a system in which power has been carefully divided among different departments of the government. And we have been told a thousand times that this division is indispensable as a safeguard to civil liberty. We have designated the departments, and have established in each officers to examine the powers belonging to each. The president, it is true, presides over the whole; his eye surveys the whole extent of the system in all its movements. But has he power to enter into the courts, for example, and tell them what is to be done? Or may he come here, and tell us the same? Or when we have made a law, can he withhold the power necessary to its practical effect? He moves, it is true, in a high, a glorious sphere. It is his to watch over the whole with a paternal eye; and, when any one wheel of the vast machine is for a time interrupted by the occurrence of invasion or rebellion, it is his care to propel its movements, and to furnish it with the requisite means of performing its appropriate duty in its own place.

That this is the true interpretation of the constitutional clause to which I have alluded, is inferred from the total silence of all cotemporaneous expositors of that instrument on the subject. I have myself (and when it was not in my power personally, have caused others to aid me), made researches into the numbers of the Federalist, the debates in the Virginia convention, and in the conventions of other States, as well as all other sources of information to which I could obtain access, and I have not, in a solitary instance, found the slightest color for the claims set up in these most extraordinary times, for the president, that he has authority to afford or withhold at pleasure the means of enforcing the laws, and to superintend and control an officer charged with a specific duty, made by the law exclusively his. But, sir, I have found some authorities which strongly militate against any such claim. If the doctrine be indeed true, then it is most evident that there is no longer any other control over our affairs than that exerted by the president. If it be true, that when a duty is by law specifically assigned to a particular officer, the president may go into his office and control him in the manner of performing it, then is it most manifest that all barriers for the safety of the treasury are gone. Sir, it is that union of the purse and the sword, in the hand of one man, which constitutes the best definition of tyranny which our language can give.

The charter of the bank of the United States requires that the public

deposits be made in its vaults. It also gives the Secretary of the Treasury power to remove them—and why? The secretary is at the head of the finances of the government. Weekly reports are made by the bank to him. He is to report to Congress annually; and to either House whenever he should be called upon. He is the sentinel of Congress—the agent of Congress—the representative of Congress. Congress has prescribed and has defined his duties. He is required to report to them, not to the president. He is put there by us, as our representative; he is required to remove the deposits when they shall be in danger, and we not in session; but when he does this, he is required to report to Congress the fact, with his reasons for it. Now, sir, if, when an officer of government is thus specifically assigned his duty, if he is to report his official acts on his responsibility to Congress; if, in a case where no power whatever is given to the president, the president may go and say to that officer, "Go and do as I bid you, or you shall be removed from office;" let me ask, whether the danger apprehended by that eloquent man has not already been realized?

But, sir, let me suppose that I am mistaken in my construction of the Constitution; and let me suppose that the president has, as is contended, power to see every particular law carried into effect; what, then, was it his duty to do in the present case under the clause thus interpreted? The law authorized the Secretary of the Treasury to remove the deposits on his responsibility to Congress. Now, if the president has power to see this, like other laws, faithfully executed, then, surely, the law exacted of him that he should see that the secretary was allowed to exercise his free, unbiased, uncontrolled judgment in removing or not removing them. That was the execution of the law. Congress had not said that the Secretary of War, or the Secretary of State, might remove the public deposits from the treasury.

The president has no right to go to the Secretary of War and ask him what the Secretary of the Treasury ought to do. He might as well have consulted the Secretary of the Treasury about a contemplated movement of the army, as to ask the Secretary of War about the disposition of the public moneys. It was not to the president, and all his secretaries combined, that the power was given to alter the disposition of the deposits in the bank. It was to the secretary alone, exclusive of the president, and all the other officers of government. And according to gentlemen's own showing, by their construction of the clause, the secretrary ought to have been left to his own unbiased determination, uncontrolled by the president, or any body else.

I would thank the Secretary of the Senate to get me the sedition law. It is not very certain how soon we may be called to act upon it.

Now, sir, let us trace some of the other sources of the exercise of this power, or motives for it, or by whatever name they are to be called. He says to Mr. Duane:

"The president repeats, that he begs the cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise."

The morals of the people! What part of the Constitutiion has given to the president any power over "the morals of the people?" None. It does not give such power even over religion, the presiding and genial influence over every true system of morals. No, sir, it gives him no such power.

And what is the next step? To-day he claims a power as necessary to the morals of the people; to-morrow he will claim another, as still more indispensable to our religion. And the president might in this case as well have said that he went into the office of the Secretary of the Treasury, and controlled his free exercise of his authority as secretary, because it was necessary to preserve "the religion of the people!" I ask for the authority. Will any one of those gentlemen here, who consider themselves as the vindicators of the executive, point me to any clause of the Constitution which gives to the present President of the United States any power to preserve "the morals of the people?"

But "the freedom of the press," it seems, was another motive. Sir, I am not surprised that the present Secretary of the Treasury should feel a desire to revive this power over the press. He, I think, was a member of that party which passed the sedition law, under precisely the same pretext. I recollect it was said, that this bank, this monster of tyranny, was taking into its pay a countless number of papers, and by this means was destroying the fair fame of the president and his secretary, and all that sort of thing. Sir, it is sometimes useful to refer back to those old things—to the notions and the motives which induced men in former times to do certain acts which may not be altogether unlike some others in our own time.

The famous sedition act was passed, sir, in 1789; and it contained, among others, the following provision:

"Section 2. That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall, knowingly and willingly, assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings, against the government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either House of the said Congress, or the said president, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers

in him vested by the Constitution of the United States; or to resist, oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nation, against the United States, their people, or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

We have now, sir, in the reasons for the removal of the government deposits, the same motives avowed and acted upon. The abuse of the government, bringing into disrepute, using contemptuous language to persons high in authority, constituted the motives for passing the sedition law; and what have we now but a repetition of the same complaints of abuses, disrespect, and so forth. As it is now, so it was then; for, says the next section of the same sedition act:

"That if any person shall be prosecuted, under this act, for the writing or publishing of any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases."

It is only for the sake of the truth, said they who favored the passage of that law—for the sake of justice; as it is now said that it was necessary to remove the deposits, in order to preserve the purity of the press. That 's all, sir. But there is one part of this assumption of power by the president much more tyrannical than that act. Under that law, the offending party was to have a trial by jury; the benefit of witnesses and of counsel; and the right to have the truth of his alleged libels examined. But what is the case now under consideration? Why, sir, the president takes the whole matter in his own hands; he is at once the judge, the jury, and the executioner of the sentence, and utterly deprives the accused party of the opportunity of showing that the imputed libel is no libel at all, but founded in the clearest truth.

But "the purity of the elective franchise," also, the president has very much at heart. And here, again, I ask what part of the Constitution gives him any power over that "franchise?" Look, sir, at the nature of the exercise of this power! If it was really necessary that steps should be taken to preserve the purity of the press or the freedom of elections, what ought the president to have done? Taken the matter into his own hands? No, sir; it was his duty to recommend to Congress the passage of laws for the purpose, under suitable sanctions; laws which the courts of the United States would execute. We could not have been worse off under such laws, (however exceptionable they might be), than we are now. We could then, sir, have reviewed the laws, and seen whether Congress or the president had properly any power over this matter; or whether the article of the Constitution which forbids that the press shall be touched, and de-

clares that religion shall be sacred from all the powers of legislation, applied in the case or not. This the president has undertaken to do of himself, without the shadow of authority, either in the Constitution or the laws.

Suppose, sir, that this contumacious institution, which committed the great sin, in 1829, of not appointing a new president to a certain one of its branches—suppose that the bank should go on and vindicate itself against the calumnies poured out upon it—that it should continue to stand upon its defense; how inefficient will have been the exercise of power by the president! How inadequate to the end he had in view, of preserving the press from being made use of to defend the bank! Why, sir, if we had had the power, and the president had come to us, we could have laid Mr. Nicholas Biddle by the heels, if he should have undertaken to publish another report of General Smith or Mr. Duffie, or another speech of the eloquent gentleman near me (Mr. Webster), or any other such libels, tending to bring the president or his administration into disrepute. But the President of the United States, who thought he had the bank in his power, who thought he could stop it, who was induced to believe, by that "influence behind the throne, greater than itself," that he could break down the bank at a word, has only shown this want of power over the press, by his attempt to exercise it in the manner he has done. The bank has avowed and openly declared its purpose to defend itself on all suitable occasions. And, what is still more provoking, instead of being a bankrupt, as was expected, with its doors closed, and its vaults inaccessible, it has now, it seems, got more money than it knows what to do with; and this greatest of misers and hoarders, cruelly refuses to let out a dollar of its ten millions of specie, to relieve the sufferings of the banks to which the government deposits have been transferred.

Sir, the President of the United States had nothing to do with the morals of the community. No, sir; for the preservation of our morals we are responsible to God, and I trust that that responsibility will ever remain to Him and His mercy alone. Neither had the president any thing to do with the freedom of the press. The power over it is denied, even to Congress, by the people. It was said, by one of those few able men and bright luminaries, whom Providence has yet spared to us, in answer to complaints by a foreign minister, against the freedom with which the American press treated certain French functionaries, that the press was one of those concerns which admitted of no regulation by the government; that its abuses must be tolerated, lest its freedom should be abridged. Such, sir, is the freedom of the press, as recognized by our Constitution, and so it has been respected ever since the repeal of the obnoxious act which I have already quoted, until the detestable principles of that law have been reasserted by the president, in his assumption of a power, in nowise belonging to his office, of preserving the purity of the press.

Such, sir, are the powers on which the president relies to justify his seiz-

ure of the treasury of the United States. I have examined them one by one; and they all fail, utterly fail, to bear out the act. We are irresistibly brought to the conclusion, that the removal of the public money from the bank of the United States has been effected by the displacement from the head of the treasury department of one who would not remove them, and putting in his stead another person, who would; and, secondly, that the president has no color of authority in the Constitution or the laws for the act which he has undertaken to perform.

Let us now, for a few moments, examine the consequences which may ensue from the exercise of this enormous power. If the president has authority, in a case in which the law has assigned a specific duty exclusively to a designated officer, to control the exercise of discretion by that officer, he has a right to interfere in every other case, and remove every one from office who hesitates to do his bidding, against his judgment of his own duty. This, surely, is a logical deduction not to be resisted. Well, then, how stands the matter? Recapitulating the provisions of the law prescribing how money should be drawn from the treasury and the deduction above stated, what is to prevent the president from going to the comptroller, and, if he will not countersign a warrant which he has found an accommodating secretary to sign, turning him out for another; then going to the register, and doing the same; and then to the treasurer and commanding him to pay over the money expressed in the warrant, or subject himself to expulsion.

Where is the security against such conduct on the part of the president? Where the boundary to this tremendous authority, which he has undertaken to exercise? Sir, every barrier around the treasury is broken down. From the moment that the president said, "I make this measure my own, I take upon myself the responsibility," from that moment the public treasury might as well have been at the Hermitage as at this place. Sir, the measure adopted by the president is without precedent—in our day at least. There is, indeed, a precedent on record, but you must go down to the Christian era for it. It will be recollected, by those who are conversant with ancient history, that after Pompey was compelled to retire to Brundusium, Cæsar, who had been anxious to give him battle, returned to Rome, "having reduced Italy (says the historian), in sixty days (the exact period, sir, between the removal of the deposits, and the meeting of Congress, without the usual allowance of three days' grace), without bloodshed." The historian goes on: "finding the city in a more settled condition than he expected, and many senators there, he addresses them in a mild and gracious manner (as the president addressed his late Secretary of the Treasury), and desired them to send deputies to Pompey with an offer of honorable terms of peace. As Metellus, the tribune, opposed his taking money out of the public treasury, and cited some laws against it (such, sir, I suppose, as I have endeavored to cite on this occasion), Cæsar said, arms and laws do not flourish together. If you are not pleased with what

I am about, you have only to withdraw. (Leave the office, Mr. Duane!) War, indeed, will not tolerate much liberty of speech. When I say this, I am renouncing my own right; for you, and all those whom I have found exciting a spirit of faction against me, are at my disposal. Having said this, he approached the doors of the treasury, and as the keys were not produced, he sent for workmen to break them open. Metellus again opposed him, and gained credit with some for his firmness; but Cæsar, with an elevated voice, threatened to put him to death, if he gave any further trouble. 'And you know very well, young man,' said he, 'that this is harder for me to say than to do.' Metellus, terrified by the measure, retired, and Cæsar was afterward easily and readily supplied with every thing necessary for the war."

And where now, sir, is the public treasury? Who can tell? It is certainly without a local habitation, if it be not without a name. And where is the money of the people of the United States? Floating about in treasury drafts or checks to the amount of millions, placed in the hands of tottering banks, to enable them to pay their own debts, instead of being appropriated to the service of the people. These checks are scattered to the winds by the treasurer of the United States, who is required by law to let out money from the treasury, on warrants signed by the Secretary of the Treasury, countersigned, registered, and so forth, and not otherwise.

[Mr. Clay here referred to a correspondence, which he quoted, between the treasurer and the officers of the bank, complaining of these checks drawn without proper notice, and so forth, in which the treasurer says they were only issued to be used in certain contingences and so forth.]

Thus, sir, the people's money is put into a bank here, and a bank there, in regard to the solvency of which we know nothing, and it is placed there to be used in the event of certain contingences—contingences of which neither the treasurer nor the secretary have yet deigned to furnish us any account.

Where was the oath of office of the treasurer, when he ventured thus to sport with the people's money? Where was the Constitution, which forbids money to be drawn from the treasury without appropriation by law? Where was the treasurer's bond, when he thus cast about people's money? Sir, his bond is forfeited. I do not pretend to any great knowledge of the law, but give me an intelligent and unpacked jury, and I will undertake to prove to him that he has forfeited the penalty of his bond.

Mr. President, the people of the United States are indebted to the president for the boldness of this movement; and as one among the humblest of them, I profess my obligations to him. He has told the Senate, in his message refusing an official copy of his cabinet paper, that it has been published for the information of the people. As a part of the people, the Senate, if not in their official character, have a right to its use. In that extraordinary paper, he has proclaimed, that the measure is his own; and

that he has taken upon himself the responsibility of it. In plain English, he has proclaimed an open, palpable, and daring usurpation!

For more than fifteen years, Mr. President, I have been struggling to avoid the present state of things. I thought I perceived in some proceedings, during the conduct of the Seminole war, a spirit of defiance to the Constitution and to all law. With what sincerity and truth, with what earnestness and devotion to civil liberty, I have struggled, the searcher of all human hearts best knows. With what fortune, the bleeding Constitution of my country now fatally attests.

I have, nevertheless, persevered; and under every discouragement during the short time that I expect to remain in the public councils I will persevere. And if a bountiful Providence would allow an unworthy sinner to approach the throne of grace, I would beseech Him, as the greatest favor He could grant to me here below, to spare me until I live to behold the people rising in their majesty, with a peaceful and constitutional exercise of their power, to expel the Goths from Rome; to rescue the public treasury from pillage, to preserve the Constitution of the United States; to uphold the Union against the danger of the concentration and consolidation of all power in the hands of the executive; and to sustain the liberties of the people of this country against the imminent perils to which they now stand exposed.

[Here, Mr. Clay, who was understood to have gone through the first part of his speech only, gave way, and Mr. Ewing of Ohio moved that the further consideration of the subject be postponed until Monday next; which was ordered accordingly. And then the Senate adjourned to that day. December 30th, Mr. Clay resumed his speech].

Before I proceed to a consideration of the report of the Secretary of the Treasury, and the second resolution, I wish to anticipate and answer an objection, which may be made to the adoption of the first. It may be urged, that the Senate, being, in a certain contingency, a court of impeachment, ought not to prejudge a question which it may be called upon to decide judicially. But by the Constitution the Senate has three characters, legislative, executive, and judicial. Its ordinary, and by far its most important character, is that of its being a component part of the legislative department. Only three or four cases, since the establishment of the government (that is, during a period of nearly half a century) have occurred, in which it was necessary that the Senate should act as a judicial tribunal, the least important of all its characters. Now it would be most strange if, when its constitutional powers were assailed, it could not assert and vindicate them, because, by possibility, it might be required to act as a court of justice. The first resolution asserts, only, that the president has assumed the exercise of a power over the public treasury not granted by the Constitution and laws. It is silent as to motive; and without the *quo animo*—the deliberate purpose of usurpation—the president would not be liable to

impeachment. But if a concurrence of all the elements be necessary to make out a charge of willful violation of the Constitution, does any one believe that the president will now be impeached? And shall we silently sit by and see ourselves stripped of one of the most essential of our legislative powers, and the exercise of it assumed by the president, to which it is not delegated, without effort to maintain it, because, against all human probability, he may be hereafter impeached?

The report of the Secretary of the Treasury, in the first paragraph, commences with a misstatement of the fact. He says, "I have directed" that the deposits of the money of the United States shall not be made in the bank of the United States. If this assertion is regarded in any other than a mere formal sense, it is not true. The secretary may have been the instrument, the clerk, the automaton, in whose name the order was issued; but the measure was that of the president, by whose authority or command the order was given; and of this we have the highest and most authentic evidence. The president has told the world that the measure was his own, and that he took it upon his own responsibility. And he has exonerated his cabinet from all responsibility about it. The secretary ought to have frankly disclosed all the circumstances of the case, and told the truth, the whole truth, and nothing but the truth. If he had done so, he would have informed Congress, that the removal had been decided by the president on the 18th of September last; that it had been announced to the public on the 20th; and that Mr. Duane remained in office until the 23d. He would have informed Congress, that this important measure was decided before he entered into his new office, and was the cause of his appointment. Yes, sir, the present secretary stood by, a witness to the struggle in the mind of his predecessor, between his attachment to the president and his duty to the country; saw him dismissed from office, because he would not violate his conscientious obligations, and came into his place, to do what he could not, honorably, and would not perform. A son of one of the fathers of democracy, by an administration professing to be democratic, was expelled from office, and his place supplied by a gentleman, who, throughout his whole career, has been uniformly opposed to democracy!—a gentleman who, at another epoch of the republic, when it was threatened with civil war, and a dissolution of the Union, voted (although a resident of a slave State), in the Legislature of Maryland, against the admission of Missouri into the Union without a restriction incompatible with her rights as a member of the confederacy! Mr. Duane was dismissed because the solemn convictions of his duty would not allow him to conform to the president's will; because his logic did not bring his mind to the same conclusions with those of the logic of a venerable old gentleman, inhabiting a white house not distant from the capitol; because his watch (here Mr. Clay held up his own) did not keep time with that of the president. He was dismissed under that detestable system of proscription for opinion's sake, which has finally dared to intrude itself into

the halls of Congress—a system under which three unoffending clerks, the husbands of wives, the fathers of families, dependent on them for support, without the slightest imputation of delinquency, have been recently unceremoniously discharged, and driven out to beggary, by a man, himself the substitute of a meritorious officer, who has not been in this city a period equal to one monthly revolution of the moon! I tell our secretary, (said Mr. Clay, raising his voice) that, if he touch a single hair of the head of any one of the clerks of the Senate (I am sure he is not disposed to do it), on account of his opinions, political or religious, if no other member of the Senate does it, I will instantly submit a resolution for his own dismission.

The secretary ought to have communicated all these things; he ought to have stated that the cabinet was divided two and two, and one of the members equally divided with himself on the question, willing to be put into either scale. He ought to have given a full account of this, the most important act of executive authority since the origin of the government; he should have stated with what unsullied honor his predecessor retired from office, and on what degrading conditions he accepted his vacant place. When a momentous proceeding like this, varying the constitutional distribution of the powers of the legislative and executive departments, was resolved on, the ministers against whose advice it was determined, should have resigned their stations. No ministers of any monarch in Europe, under similar circumstances, would have retained the seals of office. And if, as nobody doubts, there is a cabal behind the curtain, without character and without responsibility, feeding the passions, stimulating the prejudices, and molding the actions of the incumbent of the presidential office, it was an additional reason for their resignations. There is not a *maître d'hotel* in Christendom, who, if the scullions were put into command in the parlor and dining-room, would not scorn to hold his place, and fling it up in disgust with indignant pride!

I shall examine the report before us, first, as to the power of the secretary over the deposits; secondly, his reasons for the exercise of it; and, thirdly, the manner of its exercise.

First. The secretary asserts that the power of removal is exclusively reserved to him; that it is absolute and unconditional, so far as the interests of the bank are concerned; that it is not restricted to any particular contingences; that the reservation of the power to the Secretary of the Treasury exclusively, is a part of the compact; that he may exercise it, if the public convenience or interest would in any degree be promoted; that this exclusive power, thus reserved, is so absolute, that the secretary is not restrained by the considerations that the public deposits in the bank are perfectly safe; that the bank promptly meets all demands upon it; and that it faithfully performs all its duties; and that the power of Congress, on the contrary, is so totally excluded, that it could not, without a breach of the compact, order the deposits to be changed, even if Congress

were satisfied that they were not safe, or should be convinced that the interests of the people of the United States imperiously demanded the removal.

Such is the statement which this unassuming secretary makes of his own authority. He expands his own power to the most extravagant dimensions; and he undertakes to circumscribe that of Congress in the narrowest and most restricted limits! Who would have expected that, after having so confidently maintained for himself such absolute, exclusive, unqualified, and uncontrollable power, he would have let in any body else to share with him its exercise? Yet he says, "as the Secretary of the Treasury presides over one of the executive departments of the government, and his power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer" (meaning the president, whose official name his modesty would not allow him to pronounce) "to whom the Constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed." If the clause in the compact exclusively vests the power of removal in the Secretary of the Treasury, what has the president to do with it? What part of the charter conveys to him any power? If, as the secretary contends, the clause of removal, being part of the compact, restricts its exercise to the secretary, to the entire exclusion of Congress, how does it embrace the president? especially since both the president and secretary conceive, that "the power over the place of deposit for the public money would seem properly to belong to the legislative department of the government?" If the secretary be correct in asserting that the power of removal is confined to the Secretary of the Treasury, then Mr. Duane, while in office, possessed it; and his dismission, because he would not exercise a power which belonged to him exclusively, was itself a violation of the charter.

But by what authority does the secretary assert that the treasury department is one of the executive departments of the government? He has none in the act which creates the department; he has none in the Constitution. The treasury department is placed by law on a different footing from all the other departments, which are, in the acts creating them, denominated executive, and placed under the direction of the president. The treasury department, on the contrary, is organized on totally different principles. Except the appointment of the officers, with the co-operation of the Senate, and the power which is exercised of removing them, the president has neither by the Constitution nor the law creating the department, any thing to do with it. The secretary's reports and responsibility are directly to Congress. The whole scheme of the department is one of checks, each officer acting as a control upon his associates. The secretary is required by the law to report not to the president, but directly to Congress. Either House may require any report from him, or command his personal attendance before it. It is not, therefore, true, that the treasury

is one of the executive departments, subject to the supervision of the president. And the inference drawn from that erroneous assumption entirely fails. The secretary appears to have no precise ideas either of the Constitution or duties of the departments over which he presides. He says:

"The treasury department being intrusted with the administration of the finances of the country, it was always the duty of the secretary, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe-keeping, in the hand of faithful agents," and so forth.

The premises of the secretary are only partially correct, and the conclusion is directly repugnant to law. It never was the duty of the secretary to take care that the public money was deposited in safe keeping in the hands of faithful agents, and so forth. That duty is expressly, by the act organizing the department, assigned to the treasurer of the United States, who is placed under oath, and under bond, with a large penalty, not to issue a dollar out of the public treasury, but in virtue of warrants granted in pursuance of acts of appropriation, "and not otherwise." When the secretary treats of the power of the president, he puts on corsets and prostrates himself before the executive, in the most graceful, courteous, and lady-like form; but when he treats of that of Congress, and of the treasurer, he swells and expands himself, and flirts about, with all the airs of high authority.

But I can not assent to the secretary's interpretation of his power of removal, contained in the charter. Congress has not given up its control over the treasury, or the public deposits, to either the secretary or the executive. Congress could not have done so without a treacherous renunciation of its constitutional powers, and a faithless abandonment of its duties. And now let us see what is the true state of the matter. Congress has reserved to itself, exclusively, the right to judge of the reasons for removal of the deposits, by requiring the report of them to be made to it; and, consequently, the power to ratify or invalidate the act. The Secretary of the Treasury is the fiscal sentinel of Congress, to whom the bank makes weekly reports, and who is presumed constantly to be well acquainted with its actual condition. He may, consequently, discover the urgent necessity of prompt action, to save the public treasure, before it is known to Congress, and when it is not in session. But he is immediately to report—to whom! To the executive? No, to Congress. For what purpose? That Congress may sanction or disapprove the act.

The power of removal is a reservation for the benefit of the people, not of the bank. It may be waived. Congress, being a legislative party to the compact, did not thereby deprive itself of ordinary powers of legislation. It can not, without a breach of the national faith, repeal privileges or stipulations intended for the benefit of the bank. But it may repeal, modify, or waive the exercise altogether, of those parts of the charter

which were intended exclusively for the public. Could not Congress repeal altogether the clause of removal? Such a repeal would not injure, but add to, the security of the bank. Could not Congress modify the clause, by revoking the agency of the Secretary of the Treasury, and substituting that of the treasurer, or any other officer of government? Could not Congress, at any time during the twenty years' duration of the charter, abolish altogether the office of Secretary of the Treasury, and assign all his present duties to some newly-constituted department? The right and the security of the bank do not consist in the form of the agency, nor in the name of the agent, but in this: that, whatever may be its form or his denomination, the removal shall only be made upon urgent and satisfactory reasons. The power of supplemental legislation was exercised by Congress both under the new and old bank. Three years after the establishment of the existing bank, an act passed, better to regulate the election of directors, and to punish any one who should attempt, by bribes, or presents in any form, to influence the operation of the institution.

The denial of the secretary, to Congress, of the power to remove the deposits, under any circumstances, is most extraordinary. Why, sir, suppose a corrupt collusion between the secretary and the bank to divide the spoils of the treasury? Suppose a total non-fulfillment of all the stipulations on the part of the bank? Is Congress to remain bound and tied, while the bank should be free from all the obligations of the charter? The obligation of one party to observe faithfully his stipulations in a contract, rests upon the corresponding obligation of the other party to observe his stipulations. If one party is released, both are free. If one party fails to comply with his contract, that releases the other. This is the fundamental principle of all contracts, applicable to treaties, charters, and private agreements. If it were a mere private agreement, and one party who had bound himself to deposit, from time to time, his money with the other, to be redrawn at his pleasure, saw that it was wasting and squandered away, he would have a clear right to discontinue the deposits. It is true that a party has no right to excuse himself from the fulfillment of his contract, by imputing a breach to the other which has never been made. And it is fortunate for the peace and justice of society, that neither party to any contract, whether public or private, can decide conclusively the question of fulfillment by the other, but must always act under subjection, for the ultimate decision, in case of controversy, of an impartial arbiter, provided in the judicial tribunals of civilized communities.

As to the absolute, unconditional, and exclusive power which the secretary claims to be vested in himself, it is in direct hostility to the principles of our government, and adverse to the genius of all free institutions. The secretary was made, by the charter, the mere representative or agent of Congress. Its temporary substitute, acting in subordination to it, and bound, whenever he did act, to report to his principal his reasons, that they might be judged of and sanctioned, or overruled. Is it not absurd to say

that the agent can possess more power than the principal? The power of revocation is incident to all agency, unless, in express terms, by the instrument creating it, a different provision is made. The powers, whether of the principal or the agent, in relation to any contract, must be expounded by the principles which govern all contracts. It is true that the language of the clause of removal in the charter is general, but it is not, therefore, to be torn from the context. It is the part only of an entire compact, and is so to be interpreted, in connection with every part and with the whole.

Upon surveying the entire compact, we perceive that the bank has come under various duties to the public; has undertaken to perform important financial operations of the government; and has paid a bonus into the public treasury of a million and a half of dollars. We perceive that in consideration of the assumption of these heavy engagements, and the payment of that large sum of money on the part of the bank, the public has stipulated that the public deposits shall remain with the bank, during the continuation of the charter, and that its notes shall be received by the government, in payment of all debts, dues, and taxes. Except the corporate character conferred, there is none but those two stipulations of any great importance to the bank. Each of the two parties to the compact must stand bound to the performance of his engagements, while the other is honestly and faithfully fulfilling his. It is not to be conceived, in the formation of the compact, that either party could have anticipated that, while he was fairly and honestly executing every obligation which he had contracted, the other party might arbitrarily or capriciously exonerate himself from the discharge of his obligations. Suppose, when citizens of the United States were invited by the government to subscribe to the stock of this bank, that they had been told, that, although the bank performs all its covenants with perfect fidelity, the Secretary of the Treasury may, arbitrarily or capriciously, upon his speculative notions of any degree of public interest or convenience to be advanced, withdraw the public deposits; would they have ever subscribed? Would they have been guilty of the folly of binding themselves to the performance of burdensome duties, while the government was left at liberty to violate at pleasure that stipulation of the compact which was by far the most essential to them?

On this part of the subject, I conclude, that Congress has not parted from, but retains, its legitimate power over the deposits; that it might modify or repeal altogether the clause of removal in the charter; that a breach of material stipulations on the part of the bank would authorize Congress to change the place of the deposits; that a corrupt collusion to defraud the public, between the bank and the Secretary of the Treasury, would be a clear justification to Congress to direct a transfer of the public deposits; that the Secretary of the Treasury is the mere agent of Congress, in respect to the deposits, acting in subordination to his principal; that it results from the nature of all agency that it may be revoked, unless other-

wise expressly provided; and, finally, that the principal, and much less the agent, of one party can not justly or lawfully violate the compact, or any of its essential provisions, while the other party is in the progressive and faithful performance of all his engagements.

If I am right in this view of the subject, there is an end of the argument. There was perfect equality and reciprocity between the two parties to the compact. Neither could exonerate himself from the performance of his obligations, while the other was honestly proceeding fairly to fulfill all his engagements. But the Secretary of the Treasury concedes that the public deposits were perfectly safe in the hands of the bank; that the bank promptly met every demand upon it; and that it faithfully performed all its duties. By these concessions, he surrenders the whole argument, admits the complete obligation of the public to perform its part of the compact, and demonstrates that no reasons, however plausible or strong, can justify an open breach of a solemn national compact.

Secondly. But he has brought forward various reasons to palliate or justify his violation of the national faith; and it is now my purpose to proceed, in the second place, to examine and consider them. Before I proceed to do this, I hope to be allowed again to call the attention of the Senate to the nature of the office of Secretary of the Treasury. It is altogether financial and administrative. His duties relate to the finances, their condition and improvement, and to them exclusively. The act creating the treasury department, and defining the duties of the secretary, demonstrates this. He has no legislative powers; and Congress has delegated and could delegate none to him. His powers, wherever given, and in whatever language expressed, must be interpreted by his defined duties. Neither is the treasury department an executive department. It was expressly created not to be an executive department. It is administrative, but not executive. His relations are positive and direct to Congress, by the act of his creation, and not to the president. Whenever he is put under the direction of the president (as he is by various subsequent acts, especially those relating to the public loans), it is done by express provision of law, and for specified purposes.

With this key to the nature of the office, and the duties of the officer, I will now briefly examine the various reasons which he assigns for the removal of the public deposits. The first is, the near approach of the expiration of the charter. But the charter had yet to run about two and a half of the twenty years to which it was limited. During the whole term the public deposits were to continue to be made with the bank. It was clearly foreseen, at the commencement of the term, as now, that it would expire, and yet Congress neither then nor since has ever thought proper to provide for the withdrawal of the deposits prior to the expiration of the charter. Whence does the secretary derive an authority to do what Congress had never done? Whence his power to abridge in effect the period of the charter, and to limit it to seventeen and a half years, instead of twenty?

Was the urgency for the removal of the deposits so great, that he could not wait sixty days, until the assembling of Congress? He admits that they were perfectly safe in the bank; that it promptly met every demand upon it; and that it faithfully performed all its duties. Why not, then, wait the arrival of Congress? The last time the House of Representatives had spoken, among the very last acts of the last session, that House had declared its full confidence in the safety of the deposits. Why not wait until it could review the subject, with all the new light which the secretary could throw upon it, and it again proclaim its opinion? He came into office on the 23d of September, 1833, and in three days, with intuitive celerity, he comprehends the whole of the operations of the complex department of the treasury, perceives that the government, from its origin, had been in uniform error, and denounces the opinions of all his predecessors! And, hastening to rectify universal wrong, in defiance and in contempt of the resolution of the House, he signs an order for the removal of the deposits! It was of no consequence to him, whether places of safety, in substitution of the bank of the United States, could be obtained or not; without making the essential precautionary arrangements, he commands the removal almost instantly to be made.

Why, sir, if the secretary were right in contending that he alone could order the removal, even he admits that Congress has power to provide for the security of the public money, in the new places to which it might be transferred. If he did not deign to consult the representatives of the people as to the propriety of the first step, did not a decent respect to their authority and judgment exact from him a delay, for the brief term of sixty days, that they might consider what was fitting to be done? The truth is, that the secretary, by law, has nothing to do with the care and safe-keeping of the public money. As has been already shown, that duty is specifically assigned by law to the Treasurer of the United States. And, in assuming upon himself the authority to provide other depositories than the bank of the United States, he alike trampled upon the duties of the treasurer, and what was due to Congress. Can any one doubt the motive of this precipitancy? Does any body doubt, that it was to preclude the action of Congress, or to bring it under the influence of the executive veto? Let the two Houses, or either of them, perform their duty to the country, and we shall hereafter see whether, in that respect, at least, Mr. Secretary will not fail to consummate his purpose.

Second. The next reason assigned for this offensive proceeding, is the re-election of the present chief magistrate. The secretary says:

"I have always regarded the result of the last election of president of the United States, as the declaration of a majority of the people, that the charter ought not to be renewed." * * * "Its voluntary application to Congress for the renewal of its charter four years before it expired, and upon the eve of the election of president, was understood on all sides as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued

on both sides before the tribunal of the people, and their verdict pronounced against the bank," and so forth.

What has the secretary to do with elections? Do they belong to the financial concerns of his department? Why this constant reference to the result of the last presidential election? Ought not the president to be content with the triumphant issue of it? Did he want still more vetoes? The winners ought to forbear making any complaints, and be satisfied, whatever the losers may be. After an election is fairly terminated, I have always thought that the best way was to forget all the incidents of the preceding canvass, and especially the manner in which votes had been cast. If one has been successful, that ought to be sufficient for him; if defeated, regrets are unavailing. Our fellow-citizens have a right freely to exercise their elective franchise as they please, and no one, certainly no candidate, has any right to complain about it.

But the argument of the secretary is, that the question of the bank was fully submitted to the people, by the consent of all parties, fully discussed before them, and their verdict pronounced against the institution, in the re-election of the president. His statement of the case requires that we should examine carefully the various messages of the president, to ascertain whether the bank question was fairly and frankly (to use a favorite expression of the president) submitted by him to the people of the United States. In his message of 1829, the president says:

"The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people."

The charter had then upward of six years to run. Upon this solemn invitation of the chief magistrate, two years afterward the bank came forward with an application for renewal. Then it was discovered that the application was premature. And the bank was denounced for accepting the very invitation which had been formally given. The president proceeds:

"Both the constitutionality and the expediency of the bank are well questioned by a large portion of our fellow-citizens."

This message was a noncommittal. The president does not announce clearly his own opinion, but states that of a large portion of our fellow-citizens. Now we all know that a large and highly respectable number of the people of the United States have always entertained an opinion adverse to the bank on both grounds. The president continues:

"If such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the Legislature whether a national one

founded upon the credit of the government, and its resources, might not be devised."

Here, again, the president, so far from expressing an explicit opinion against all national banks, makes a hypothetical admission of the utility of a bank, and distinctly intimates the practicability of devising one on the basis of the credit and resources of the government.

In his message of 1830, speaking of the bank, the president says:

"Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise, which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a bank of the United States, so modified in its principles and structure, as to obviate constitutional and other objections."

Here, again, the president recites the apprehensions of "many of our citizens," rather than avows his own opinion. He admits, indeed, "the advantages afforded by the present bank," but suggests an inquiry whether it be possible (of course doubting) to secure them by a bank differently constructed. And toward the conclusion of that part of the message, his language fully justifies the implication, that it was not to the bank itself but to "its present form," that he objected.

The message of 1831, when treating of the bank, was very brief. The president says:

"Entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organized" (noncommittal once more; and what that means, Mr. President, nobody better knows than you and I), "I felt it my duty, in my former messages, frankly to disclose them."

Frank disclosures! Now, sir, I recollect perfectly well the impressions made on my mind, and on those of other senators with whom I conversed, immediately after the message was read. We thought and said to each other, The president has left a door open to pass out. It is not the bank; it is not any bank of the United States to which he is opposed, but it is to the particular organization of the existing bank. And we all concluded that, if amendments could be made to the charter satisfactory to the president, he would approve a bill for its renewal.

We come now to the famous message of July, 1832, negativing the bill to re-charter the bank. Here, it may be expected, we shall certainly find clear opinions, unequivocally expressed. The president can not elude the question. He must now be perfectly frank. We shall presently see. He says:

"A bank of the United States is, in many respects, convenient to the government, and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing

bank, are unauthorized by the Constitution," and so forth. * * * "I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution, combining all its advantages, and obviating these objections. I sincerely regret, that in the act before me I can perceive none of those modifications," and so forth. * * * "That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved right of the States, I do not entertain a doubt. Had the executive been called on to furnish the project of such an institution, the duty would have been cheerfully performed."

The message is principally employed in discussing the objections which the president entertained to the particular provisions of the charter, and not to the bank itself; such as the right of foreigners to hold stock in it; its exemption from State taxation; its capacity to hold real estate, and so forth, and so forth. Does the president, even in this message, array himself in opposition to any bank of the United States? Does he even oppose himself to the existing bank under every organization of which it is susceptible? On the contrary, does he not declare that he does not entertain a doubt that a bank may be constitutionally organized? Does he not even rebuke Congress for not calling on him to furnish a project of a bank, which he would have cheerfully supplied? Is it not fairly deducible, from the message, that the charter of the present bank might have been so amended as to have secured the president's approbation to the institution? So far was the message from being decisive against all banks of the United States, or against the existing bank, under any modification, that the president expressly declares that the question was adjourned. He says:

"A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people, according to the last census, will bear to the capitol the verdict of public opinion, and I doubt not bring this important question to a satisfactory result."

This review of the various messages of the president, conclusively evinces that they were far from expressing, frankly and decisively, any opinions of the chief magistrate, except that he was opposed to the amendments of the charter contained in the bill submitted to him for its renewal, and that he required further amendments. It demonstrates that he entertained no doubt that it was practicable and desirable to establish a bank of the United States; it justified the hope that he might be ultimately reconciled to the continuation of the present bank, with suitable modifications; and it expressly proclaimed that the whole subject was adjourned to the new Congress, to be assembled under the last census. If the parts of the messages which I have cited, or other expressions, in the same document, be doubtful, or susceptible of a different interpretation, the review is sufficient for my purpose; which is, to refute the argument, so confidently advanced, that the president's opinion, in opposition to the present or any other bank

of the United States, was frankly and fairly stated to the people, prior to the late election, was fully understood and finally decided by them.

Accordingly in the canvass which ensued, it was boldly asserted by the partisans of the president, that he was not opposed to a bank of the United States, nor to the existing bank with proper amendments. They maintained, at least, wherever those friendly to a national bank were in the majority, that the re-election would be followed by a re-charter of the bank, with proper amendments. They dwelt, it is true, with great earnestness, upon his objections to the pernicious influence of foreigners in holding stock in it; but they nevertheless contended that these objections would be cured, if he were re-elected, and the bank sustained. I appeal to the whole Senate, to my colleagues, to the people of Kentucky, and especially to the citizens of the city of Louisville, for the correctness of this statement.

After all this, was it anticipated by the people of the United States that, in the re-election of the president, they were deciding against an institution of such vital importance? Could they have imagined that, after an express adjournment of the whole matter to a new Congress, by the president himself, he would have prejudged the action of this new Congress, and pronounced that a question, expressly by himself referred to its authority, was previously settled by the people? He claimed no such result in his message, immediately after the re-election; although in it he denounced the bank as an unsafe repository of the public money, and invited Congress to investigate its condition. The president, then, and the Secretary of the Treasury, are without all color of justification for their assertions, that the question of bank or no bank was fully and fairly submitted to the people, and a decision pronounced against it by them.

Sir, I am surprised and alarmed at the new source of executive power, which is found in the result of a presidential election. I had supposed that the Constitution and the laws were the sole source of executive authority; that the Constitution could only be amended in the mode which it has itself prescribed; that the issue of a presidential election, was merely to place the chief magistrate in the post assigned to him; and that he had neither more nor less power, in consequence of the election, than the Constitution defines and delegates. But it seems that if, prior to an election, certain opinions, no matter how ambiguously put forth by a candidate, are known to the people, these loose opinions, in virtue of the election, incorporate themselves with the Constitution, and afterward are to be regarded and expounded as parts of the instrument.

Third. The public money ought not, the secretary thinks, to remain in the bank until the last moment of the existence of the charter. But that was not the question which he had to decide on the 26th of September last. The real question then was, could he not wait sixty days for the meeting of Congress? There were many last moments, nearly two years and a half, between the 26th of September and the day of the expiration

of the charter. But why not let the public money remain in the bank until the last day of the charter? It is a part of the charter, that it shall so remain; and Congress having so ordered it, the secretary ought to have acquiesced in the will of Congress, unless the exigency had arisen on which alone it was supposed his power over the deposits would be exercised. The secretary is greatly mistaken in believing that the bank will be less secure in the last hours of its existence than previously. It will then be collecting its resources, with a view to the immediate payment of its notes, and the ultimate division among the stockholders of their capital; and at no period of its existence will it be so strong and able to pay all demands upon it. As to the depreciation in the value of its notes in the interior, at that time, why, sir, is the secretary possessed of the least knowledge of the course of the trade of the interior, and especially of the western States? If he had any, he could not have made such a suggestion. When the bank itself is not drawing, its notes form the best medium of remittance from the interior to the Atlantic capitals. They are sought after by merchants and traders with avidity, are never below par, and in the absence of bank drafts may command a premium. This will continue to be the case as long as the charter endures, and especially during the last moment of existence, when its ability will be unquestionable, Philadelphia being the place of the redemption; while the notes themselves will be received in all the large cities in payment of duties.

Fourth. The secretary asserts, that "it is well understood that the superior credit heretofore enjoyed by the notes of the bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States." I have rarely seen any State paper characterized by so little gravity, dignity, and circumspection, as the report displays. The secretary is perfectly reckless in his assertions of matter of fact, and culpably loose in his reasoning. Can he believe the assertion which he has made? Can he believe, for example, that if the notes of the bank of the Metropolis were made receivable in all payments to the government, they would ever acquire, at home and abroad, the credit and confidence which are attached to those of the bank of the United States? If he had stated that the faculty mentioned, was one of the elements of the great credit of those notes, the statement would have been true; but who can agree with him, that it is the sole cause? The credit of the bank of the United States results from the large amount of its capital; from the great ability and integrity with which it has been administered; from the participation of the government in its affairs; from its advantageous location; from its being the place of deposit of the public moneys, and its notes being receivable in all payments to the government; and from its being emphatically the bank of the United States. This latter circumstance arranges it with the bank of England, France, Amsterdam, Genoa, and so forth.

Fifth. The expansion and contraction of the accommodations of the bank to its individual customers, are held up by the secretary in bold relief, as evidences of misconduct, which justified his withdrawal of the deposits. He represents the bank as endeavoring to operate on the public, by alternate bribery and oppression, with the same object in both cases, of influencing the election, or the administration of the president. Why this perpetual reference of all the operations of the institution to the executive? Why does the executive think of nothing but itself? It is I! It is I! It is I, that is meant! appears to be the constant exclamation. Christianity and charity enjoin us never to ascribe a bad motive if we can suppose a good one. The bank is a moneyed corporation, whose profits result from its business; if that be extensvie, it makes better; if limited, less profit. Its interest is to make the greatest amount of dividends which it can safely. And all its actions may be more certainly ascribed to that than any other principle. The administration must have a poor opinion of the virtue and intelligence of the people of the United States, if it supposes that their judgments are to be warped, and their opinions controlled by any scale of graduated bank accommodations. The bank must have a still poorer conception of its duty to the stockholder, if it were to regulate its issues by the uncertain and speculative standard of political effect, rather than a positive arithmetical rule for the computation of interest.

As to the alleged extension of the business of the bank, it has been again and again satisfactorily accounted for by the payment of the public debt, and the withdrawal from Europe of considerable sums, which threw into its vaults, a large amount of funds, which, to be productive, must be employed; and, as the commercial wants proceeding from extraordinary activity of business, created great demands about the same period for bank accommodations, the institution naturally enlarged its transactions. It would have been treacherous to the best interests of its constituents if it had not done so. The recent contraction of its business is the result of an obvious cause. Notwithstanding the confidence in it, manifested by one of the last acts of the last House of Representatives, Congress had scarcely left the District before measures were put in operation to circumvent its authority. Denunciations and threats were put forth against it. Rumors, stamped with but too much authority, were circulated, of the intention of the executive to disregard the admonition of the House of Representatives. An agent was sent out—and then such an agent—to sound the local institutions as to the terms on which they would receive the deposits. Was the bank, who could not be ignorant of all this, to sit carelessly by, without taking any precautionary measures? The prudent mariner, when he sees the coming storm, furls his sails, and prepares for all its rage. The bank knew that the executive was in open hostility to it, and that it had nothing to expect from its forbearance. It had numerous points to defend, the strength or weakness of all of which was well known from its weekly returns to the secretary, and it could not possibly know at which the first

mortal stroke would be aimed. If, on the 20th of September last, instead of the manifesto of the president against the bank, he had officially announced, that he did not mean to make war upon the bank, and intended to allow the public deposits to remain until the pleasure of Congress was expressed, public confidence would have been assured and unshaken, the business of the country continued in quiet and prosperity, and the numerous bankruptcies in our commercial cities averted. The wisdom of human actions is better known in their results than at their inception. That of the bank is manifest from all that has happened, and especially from its actual condition of perfect security.

Sixth. The secretary complains of misconduct of the bank in delegating to the committee of exchange the transaction of important business, and in that committee's being appointed by the president and not the board, by which the government directors have been excluded. The directors who compose the board meet only periodically. Deriving no compensation from their places, which the charter, indeed, prohibits them from receiving, it can not be expected that they should be constantly in session. They must, necessarily, therefore, devolve a great part of the business of the bank in its details, upon the officers and servants of the corporation. It is sufficient, if the board controls, governs, and directs the whole machine. The most important operation of a bank, is that of paying out its cash, and that the cashier or teller and not the board performs. As to committees of exchange, the board not being always in session, it is evident that the convenience of the public requires that there should be some authority at the bank daily, to pass daily upon bills, either in the sale or purchase, as the wants of the community require. Every bank, I believe, that does business to any extent, has a committee of exchange, similar to that of the bank of the United States. In regard to the mode of appointment by the president of the board, it is in conformity with the invariable usage of the House of Representatives, with the practice of the Senate for several years, and, until altered at the commencement of this session, with the usage, in a great variety, if not all of the State Legislatures, and with that which prevails in our popular assemblies. The president, speaker, chairman, moderator, almost uniformly appoints committees. That none of the government directors have been on the committee of exchange, has proceeded, it is to be presumed, from their not being entitled, from their skill and experience, and standing in society, to be put there. The government directors stand upon the same equal footing with those appointed by the stockholders. When appointed, they are thrown into the mass, and must take their fair chances with their colleagues. If the President of the United States will nominate men of high character and credit, of known experience and knowledge in business, they will, no doubt, be placed in corresponding stations. If he appoints different men, he can not expect it. Banks are exactly the places where currency and value are well understood and duly estimated. A piece of coin,

having even the stamp of the government, will not pass, unless the metal is pure.

Seventh. The French bill formed another topic of great complaint with the secretary. The state of the case is, that the government sold to the bank a bill on that of France for nine hundred thousand dollars, which the bank sold in London, whence it was sent by the purchaser to Paris to receive the amount. When the bank purchased the bill, it paid the amount to the government, or, which is the same thing, passed it to the credit of the treasury, to be used on demand. The bill was protested in Paris, and the agents of the bank, to avoid its being liable to damages, took up the bill on account of the bank. The bill being dishonored, the bank comes back on the drawer, and demands the customary damages due according to the course of all such transactions. The complaint of the secretary is, that the bank took up the bill to save its own credit, and that it did not do it on account of the government; in other words, that the bank did not advance at Paris nine hundred thousand dollars to the government on account of a bill which it had already paid, every dollar, at Philadelphia. Why, sir, has the secretary read the charter? If he has, he must have known that the bank could not have advanced the nine hundred thousand dollars for the government at Paris, without subjecting itself to a penalty of three times the amount (two million and seven hundred thousand dollars). The thirteenth section of the charter is express and positive:

"That if the said corporation shall advance or lend any sum of money for the use or on account of the government of the United States, to an amount exceeding five hundred thousand dollars, all persons concerned in making such unlawful advances or loan, shall forfeit treble the amount, one fifth to the informer," and so forth.

Eighth. The last reason which I shall notice of the secretary is, that this ambitious corporation aspires to possess political power. Those in the actual possession of power, especially when they have grossly abused it, are perpetually dreading its loss. The miser does not cling to his treasure with a more death-like grasp. Their suspicions are always active and on the alert. In every form they behold a rival, and every breeze comes charged with alarm and dread. A thousand specters glide before their affrighted imaginations, and they see, in every attempt to enlighten those who have placed them in office, a sinister design to snatch from them their authority. On what other principles can we account for the extravagant charges brought forward by the secretary against the bank? More groundless and reckless assertions than those which he has allowed himself to embody in his report, never were presented to a deceived, insulted, and outraged people. Suffer me, sir, to group some of them. He asserts, "that there is sufficient evidence to prove that the bank has used its means to obtain politicalpower;" that, in the presidential election, "the bank took

an open and direct interest, demonstrating that it was using its money for the purpose of obtaining a hold upon the people of this country;" that it "entered the political arena;" that it circulated publications containing "attacks on the officers of government;" that "it is now openly in the field as a political partisan;" that there are "positive proofs" of the efforts of the bank to obtain power. And, finally, he concludes, as a demonstrated proposition:

"Fourthly, that there is sufficient evidence to show that the bank has been and still is seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants."

After all this, who can doubt that this ambitious corporation is a candidate for the next presidency? Or, if it can moderate its lofty pretensions, that it means at least to go for the office of Secretary of the Treasury, upon the next removal? But, sir, where are the proofs of these political designs? Can any thing be more reckless than these confident assertions of the secretary? Let us have the proofs; I call for the proofs. The bank has been the constant object, for years, of vituperation and calumny. It has been assailed in every form of bitterness and malignity. Its operations have been misrepresented; attempts have been made to destroy its credit, and the public confidence in its integrity and solidity; and the character of its officers has been assailed. Under these circumstances, it has dared to defend itself. It has circulated public documents, speeches of members of Congress, reports made by chairmen of committees, friends of the administration, and other papers. And, as it was necessary to make the defense commensurate with the duration and the extensive theater of the attack, it has been compelled to incur a heavy expense to save itself from threatened destruction. It has openly avowed, and yet avows, its right and purpose to defend itself. All this was known to the last Congress. Not a solitary material fact has been since disclosed. And when before, in a country where the press is free, was it deemed criminal for any body to defend itself? Who invested the Secretary of the Treasury with power to interpose himself between the people, and light, and intelligence? Who gave him the right to dictate what information should be communicated to the people and by whom? Whence does he derive his jurisdiction? Who made him censor of the public press? From what new sedition law does he deduce his authority? Is the superintendence of the American press a part of the financial duty of a Secretary of the Treasury? Why did he not lay the whole case before Congress, and invite the revival of the old sedition law? Why anticipate the arrival of their session? Why usurp the authority of the only department of government competent to apply a remedy, if there be any power to abridge the freedom of the press? If the secretary wishes to purify the press, he has a most herculean duty before him. And when he sallies out on his quixotic expedition, he had better begin with the Augean stable, the press nearest to him, his organ, as most needing purification.

I have done with the secretary's reasons. They have been weighed and found wanting. There was not only no financial motive for his acting—the sole motive which he could officially entertain—but every financial consideration forbade him to act. I proceed now, in the third and last place, to examine the manner in which he has exercised his power over the deposits.

Thirdly. The whole people of the United States derive an interest from the public deposits in the bank of the United States, as a stockholder, in that institution. The bank is enabled, through its branches, to throw capital into those parts of the Union where it is most needed. Thus it distributes and equalizes the advantages accruing from the collection of a large public revenue, and the consequent public deposits. Thus it neutralizes the injustice which would otherwise flow from the people of the West and the interior's paying their full proportion of the public burdens, without deriving any corresponding benefit from the circulation and deposits of the public revenue. The use of the capital of the bank has been signally beneficial to the West. We there want capital, domestic, foreign—any capital that we can honestly get. We want it to stimulate enterprise, to give activity to business, and to develop the vast resources which the bounty of nature has concentrated in that region. But, by the secretary's financial arrangements, the twenty-five or thirty millions of the public revenue collected from all the people of the United States (including those of the West), will be retained in a few Atlantic ports. Each port will engross the public moneys there collected. And, as that of New York collects about one half of the public revenue, all the people of the United States will be laid under contribution, not for the sake of the people of the city of New York, but of two or three banks in that city, in which the people of the United States, collectively, have not a particle of interest; banks, the stock in which is or may be held by foreigners.

Three months have elapsed, and the secretary has not yet found places of deposit for the public moneys, as substitutes for the bank of the United States. He tells us, in his report of yesterday, that the bank at Charleston to which he applied for their reception, declined the custody, and that he has yet found no other bank willing to assume it. But he states that the public interest does not in consequence suffer. No! What is done with the public moneys constantly receiving in the important port of Charleston, the largest port (New Orleans excepted), from the Potomac to the Gulf of Mexico? What with the revenue bonds? It appears that he has not yet received the charters from all the banks selected as places of deposit. Can any thing be more improvident than that the secretary should undertake to contract with banks, without knowing their power and capacity to contract by their charters? That he should venture to deposit the people's money in banks, without a full knowledge of every thing respecting their actual condition? But he has found some banks willing to receive the public deposits, and he has entered into contracts with them.

And the very first step he has taken, has been in direct violation of an express and positive statute of the United States. By the act of the first of May, 1820, section sixth, it is enacted:

"That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the quarter-master's department, may be made by the secretaries of those departments."

Now, sir, what law authorized these contracts with the local banks, made by the Secretary of the Treasury? The argument, if I understand the argument intended to be employed on the other side, is this: that by the bank charter, the secretary, is authorized to remove the public deposits, and that includes the power in question. But the act establishing the treasury department confides, expressly, the safe keeping of the public moneys of the United States, to the Treasurer of the United States, and not to the secretary; and the treasurer, not the secretary, gives a bond for the fidelity with which he shall keep them. The moment, therefore, that they are withdrawn from the bank of the United States, they are placed, by law, under the charge and responsibility of the treasurer and his bond, and not of the secretary, who has given no bond. But let us trace this argument a little further. The power to remove the deposits, says the secretary, from a given place, implies the power to designate the place to which they shall be removed. And this implied power to designate the place to which they shall be removed, implies the power to the Secretary of the Treasury to contract with the new banks of deposit. And, on this third link, in the chain of implications, a fourth is constructed, to dispense with the express duties of the Treasurer of the United States, defined in a positive statute; and yet a fifth, to repeal a positive statute of Congress, passed four years after the passage of the law containing the present source of this most extraordinary chain of implications. The exceptions in the act of 1820, prove the inflexibility of the rule which it prescribes. Annual appropriations are made for the clothing and subsistence of the army and navy. These appropriations might have been supposed to be included in a power to contract for those articles, notwithstanding the prohibitory clause in that act. But Congress thought otherwise, and therefore expressly provided for the exceptions. It must be admitted that our clerk (as the late Governor Robinson, of Louisiana, one of the purest republicans I have ever known, used to call a Secretary of the Treasury), tramples with very little ceremony upon the duties of the treasurer, and the acts of the Congress of the United States, when they come in his way.

These contracts, therefore, between the Secretary of the Treasury and the local banks are mere nullities, and absolutely void, enforceable in no court of justice whatever, for two causes; first, because they are made in

violation of the act of the 1st of May, 1820; and, secondly, because the treasurer, and not the Secretary of the Treasury, alone had, if any federal officer possessed the power to contract with the local banks. And here, again, we perceive the necessity there was for avoiding the precipitancy with which the executive acted, and for awaiting the meeting of Congress. Congress could have deliberately reviewed the previous legislation, decided upon the expediency of a transfer of the public deposits, and, if deemed proper, could have passed the new laws adapted to the new condition of the treasury. It could have decided whether the local banks should pay any bonus, or pay any interest, or diffuse the public deposits throughout the United States, so as to secure among all their parts, equality of benefits as well as of burdens, and provided for ample guaranties for the safety of the public moneys in their new depositories.

But let us now inquire, whether the Secretary of the Treasury has exercised his usurped authority, in the formation of these contracts, with prudence and discretion. Having substituted himself to Congress and to the Treasurer of the United States, he ought at least to show that, in the stipulations of the contracts themselves, he has guarded the public moneys and provided for the public interests. I will examine the contract with the Girard bank of Philadelphia, which is presented as a specimen of the contracts with the Atlantic banks. The first stipulation limits the duty of the local banks to receive in deposit, on account of the United States, only the notes of banks convertible into coin, "in its immediate vicinity," or which it is, "for the time being, in the habit of receiving." Under this stipulation, the Girard bank, for example, will not be bound to receive the notes of the Louisville bank, although that also be one of the deposit banks, nor the notes of any other bank, not in its immediate vicinity. As to the provision that it will receive the notes of banks which, for the time being, it is in the habit of receiving, it is absurd to put such a stipulation in a contract, because by the power retained to change the habit, for the time being, it is an absolute nullity. Now, sir, how does this compare with the charter and bank of the United States? The bank receives everywhere, and credits the government with the notes, whether issued by the branches or the principal bank. The amount of all these notes is everywhere available to the government. But the government may be overflowing in distant bank notes when they are not wanted, and a bankrupt, at the places of expenditure, under this singular arrangement.

With respect to the transfer of moneys from place to place, the local banks require, in this contract, that it shall not take place but upon reasonable notice. And what reasonable is, has been left totally undefined, and of course open to future contest. When hereafter a transfer is ordered, and the bank is unable to make it, there is nothing to do but to allege the unreasonableness of the notice. The local bank agrees to render to the government all the services now performed by the bank of the United States, subject, however, to the restriction that they are required "in the

vicinity" of the local bank. But the bank of the United States is under no such restrictions; its services are co-extensive with the United States and their territories.

The local banks agree to submit their books and accounts to the Secretary of the Treasury, or to any agent to be appointed by him, but to be paid by the local banks *pro rata*, as far as such examination is admissible without a violation of their respective charters; and how far that may be, the secretary can not tell, because he has not yet seen all the charters. He is, however, to appoint the agents of examination, and to fix the salaries which the local banks are to pay. And where does the secretary find the authority to create officers and fix their salaries, without the authority of Congress?

But the most improvident, unprecedented, and extraordinary provision in the contract, is that which relates to the security. When, and not until the deposits in the local bank shall exceed one half of the capital stock annually paid in, collateral security, satisfactory to the Secretary of the Treasury, is to be given for the safety of the deposits. Why, sir, a freshman, a schoolboy, would not have thus dealt with his father's guardian's money. Instead of the security preceding, it is to follow the deposit of the people's money! That is, the local bank gets an amount of their money, equal to one half its capital, and then it condescends to give security! Does not the secretary know, that when he goes for the security, the money may be gone, and that he may be entirely unable to get the one or the other! We have a law, if I mistake not, which forbids the advance of any public money, even to a disbursing agent of the government, without previous security. Yet, in violation of the spirit of that law, or, at least, of all common sense and common prudence, the secretary disperses upward of twenty-five millions of public revenue among a countless number of unknown banks, and stipulates that, when the amount of the deposit exceeds one half of their respective capitals, security is to be given!

The best stipulation in the whole contract, is the last, which reserves to the Secretary of the Treasury the power of discharging those local banks from the service of the United States whenever he pleases; and the sooner he exercises it, and restores the public deposits to the place of acknowledged safety, from which they have been rashly taken, the better for all parties concerned.

Let us look into the condition of one of these local banks, the nearest to us, and that with respect to which we have the best information. The banks of this District (and among them that of the Metropolis) are required to make annual reports of their condition on the 1st day of January. The latest official return from the Metropolis bank is of the 1st January, 1832. Why it did not make one on the 1st of last January, along with the other banks, I know not. In point of fact, I am informed, it made none. Here is its account of January, 1832, and I think you will agree that it is a Flemish one. On the debit side stand capital paid in, five hundred thousand dollars. Due to the banks, twenty thousand nine hundred and eleven

dollars and ten cents; individuals on deposit, seventy-four thousand nine hundred and seventy-seven dollars and forty-two cents; dividend and expenses, seventeen thousand five hundred and ninety-one dollars and seventy-seven cents; and surplus, eight thousand one hundred and thirty-one dollars and two cents; making an aggregate of six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. On the credit side, there are bills and notes discounted, and stock (what sort?) bearing interest, six hundred and twenty-six thousand and eleven dollars and ninety cents; real estate, eighteen thousand four hundred and four dollars and eighty-six cents; notes on other banks on hand, and checks on the same, twenty-three thousand two hundred and thirteen dollars and eighty cents; specie—now, Mr. President, how much do you imagine? Recollect, that this is the bank selected at the seat of government, where there is necessarily concentrated a vast amount of public money, employed in the expenditure of the government. Recollect that, by another executive edict, all public officers, charged with the disbursement of the public money here, are required to make their deposits with this Metropolis; and how much specie do you suppose it had at the date of its last official return? ten thousand nine hundred and seventy-four dollars and seventy-six cents: due from other banks, five thousand eight hundred and ninety dollars and ninety-nine cents; making an aggregate on the credit side, six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. Upon looking into the items, and casting them up, you will find that this Metropolis bank, on the 1st day of January, 1832, was liable to an immediate call for one hundred and seventy-six thousand three hundred and thirty-five dollars and twenty-nine cents, and that the amount which it had on hand, ready to meet that call, was forty thousand and seventy-nine dollars and fifty-five cents. And this is one of the banks selected at the seat of the general government, for the deposit of the public moneys of the United States! A bank with a capital of thirty millions of dollars, and upward of ten millions of specie on hand has been put aside, and a bank with a capital of half a million, and a little more than ten thousand dollars in specie on hand, has been substituted in its place! How that half million has been raised, whether in part or in the whole, by the neutralizing operation of giving stock notes in exchange for certificates of stock, does not appear.

The design of the whole scheme of this treasury arrangement seems to have been, to have united in one common league a number of local banks, dispersed throughout the Union, and subject to one central will, with a right of scrutiny instituted by the agents of that will. It is a bad imitation of the New York project of a safety-fund. This confederation of banks will probably be combined in sympathy as well as interest, and will be always ready to fly to the succor of the source of their nourishment. As to their supplying a common currency, in place of that of the bank of the United States, the plan is totally destitute of the essential requisite. They

are not required to credit each other's paper, unless it be issued in the "immediate vicinity."

We have seen what is in this contract. Now let us see what is not there. It contains no stipulation for the preservation of the public morals; none for the freedom of elections; none for the purity of the press. All these great interests, after all that has been said against the bank of the United States, are left to shift and take care of themselves as they can. We have already seen the president of a bank in a neighboring city rushing impetuously to the defense of the Secretary of the Treasury against an editorial article in a newspaper, although the "venom of the shaft was quite equal to the vigor of the bow." Was he rebuked by the Secretary of the Treasury? Was the bank discharged from the public service? Or, are morals, the press, the elections, in no danger of contamination, when a host of banks become literary champions on the side of power and the officers of government? Is the patriotism of the secretary only alarmed when the infallibility of high authority is questioned? Will the States silently acquiesce, and see the federal authority insinuating itself into banks of their creation, and subject to their exclusive control?

We have, Mr. President, a most wonderful financier at the head of our Treasury Department. He sits quietly by in the cabinet, and witnesses the contest between his colleague and the president; sees the conflict in the mind of that colleague between his personal attachment to the president on the one hand, and his solemn duty to the public on the other; beholds the triumph of conscientious obligation; contemplates the noble spectacle of an honest man preferring to surrender an exalted office with all its honors and emoluments, rather than betray the interests of the people; witnesses the contemptuous and insulting expulsion of that colleague from office; and then coolly enters the vacated place, without the slightest sympathy or the smallest emotion. He was installed on the 23d of September, and by the 26th, the brief period of three days, he discovers that the government of the United States had been wrong from its origin; that every one of his predecessors from Hamilton down, including Gallatin (who, whatever I said of him on a former occasion, and that I do not mean to retract, possessed more practical knowledge of currency, banks, and finance, than any man I have ever met in the public councils), Dallas, and Crawford, had been mistaken about both the expediency and constitutionality of the bank; that every chief magistrate, prior to him whose patronage he enjoyed, had been wrong; that the Supreme Court of the United States, and the people of the United States, during the thirty-seven years that they had acquiesced in or recognized the utter utility of a bank, were all wrong. And, opposing his single opinion to their united judgments, he dismisses the bank, scatters the public money, and undertakes to regulate and purify the public morals, the public press, and popular elections!

If we examine the operations of this modern Turgot, in their financial bearing, merely, we shall find still less for approbation.

First. He withdraws the public moneys, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie, and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis bank is an example.

Second. He withdraws them from a bank created by, and over which the federal government had ample control, and puts them in other banks, created by different governments, and over which it has no control.

Third. He withdraws them from a bank in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which those deposits formed the basis, and puts them where the people of the United States draw no interest.

Fourth. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to refund, and puts them in banks which have paid to the American people no bonus.

Fifth. Depreciates the value of stock in a bank, where the general government holds seven millions, and advances that of banks in whose stock it does not hold a dollar; and whose aggregate capital does not probably much exceed that very seven millions. And, finally,

Sixth. He dismisses a bank whose paper circulates in the greatest credit throughout the Union and in foreign countries, and engages in the public service banks whose paper has but a limited and local circulation in their "immediate vicinities."

These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to Congress, will be swelled and extended, remains to be developed by time.

And now, Mr. President, what, under all these circumstances, is it our duty to do? Is there a senator who can hesitate to affirm, in the language of the resolution, that the president has assumed a dangerous power over the treasury of the United States, not granted to him by the Constitution and the laws; and that the reasons assigned for the act, by the Secretary of the Treasury, are insufficient and unsatisfactory?

The eyes and the hopes of the American people are anxiously turned to Congress. They feel that they have been deceived and insulted; their confidence abused; their interests betrayed; and their liberties in danger. They see a rapid and alarming concentration of all power in one man's hands. They see that, by the exercise of the positive authority of the executive, and his negative power exerted over Congress, the will of one man alone prevails, and governs the republic. The question is no longer what laws will Congress pass, but what will the executive not veto? The president, and not Congress, is addressed for legislative action. We have seen a corporation, charged with the execution of a great national work, dismiss an experienced, faithful, and zealous president, afterward testify to his ability by a voluntary resolution, and reward his extraordinary services by a large gratuity, and appoint in his place an executive favorite, totally inexperienced

and incompetent, to propitiate the president. We behold the usual incidents of approaching tyranny. The land is filled with spies and informers; and detraction and denunciation are the orders of the day. People, especially official incumbents in this place, no longer dare speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die! base, mean, and abject slaves—the scorn and contempt of mankind—unpitied, unwept, unmourned!

ON THE GENERAL DISTRESS CAUSED BY THE REMOVAL OF THE DEPOSITS.

IN SENATE, MARCH 7, 1834.

[THE commercial distress of the country occasioned by the removal of the public deposits from the Bank of the United States, followed quickly on the heels of that transaction, as Mr. Clay had predicted. The following brief speech was made on the occasion of presenting a petition from citizens of Philadelphia for relief, and it is chiefly remarkable for the earnest appeal which Mr. Clay makes to those members of the Senate and others, who were political and personal friends of General Jackson, to use their influence with the president to induce him to relieve the general distress, which it was within his power to do. The principal appeal was to Mr. Van Buren, the vice-president, who was *ex officio* president of the Senate. Mr. Clay was so earnest in his address to Mr. Van Buren, that, without being conscious of the movement, he left his seat on the outer circle, walked down the aisle, still speaking and gesticulating, till he stood on the lowest level, with the whole Senate behind him, and so near the vice-president's desk as to be able to lay his hand upon it—still continuing his entreaties. He might well say, as he did at the close of this appeal: "If I have *deviated from the beaten track* of debate, my apology must be found in the anxious solicitude I feel for the condition of the country." And yet he did not know that he was down on the floor in front of the vice-president's chair.]

I HAVE been requested by the committee from Philadelphia, charged with presenting the memorial to Congress, to say a few words on the subject; and although, after the ample and very satisfactory exposition which it has received from the senator from Massachusetts, further observations are entirely unnecessary, I can not deny myself the gratification of complying with a request, proceeding from a source so highly worthy of respectful consideration.

And what is the remedy to be provided for this most unhappy state of the country? I have conversed freely with the members of the Philadel-

phia committee. They are real, practical, working men; intelligent, well acquainted with the general condition, and with the sufferings of their particular community. No one, who has not a heart of steel, can listen to them, without feeling the deepest sympathy for the privations and sufferings unnecessarily brought upon the laboring classes. Both the committee and the memorial declare that their reliance is, exclusively, on the legislative branch of the government. Mr. President, it is with subdued feelings of the profoundest humility and mortification, that I am compelled to say, that, constituted as Congress now is, no relief will be afforded by it, unless its members shall be enlightened and instructed by the people themselves. A large portion of the body, whatever may be their private judgment upon the course of the president, believe it to be their duty, at all events safest for themselves, to sustain him, without regard to the consequences of his measures upon the public interests. And nothing but clear, decided, and unequivocal demonstrations of the popular disapprobation of what has been done, will divert them from their present purpose.

But there is another quarter which possesses sufficient power and influence to relieve the public distresses. In twenty four hours the executive branch could adopt a measure which would afford an efficacious and substantial remedy, and re-establish confidence. And those who, in this chamber, support the administration, could not render a better service than to repair to the executive mansion, and, placing before the chief magistrate the naked and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment. No one, sir, can perform, that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the president, you maintain with him an intercourse which I neither enjoy nor covet. Go to him and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone, by the measures which he has been induced to put in operation. Tell him that his experiment is operating on the nation like the philosopher's experiment upon a convulsed animal, in an exhausted receiver, and that it must expire in agony, if he does not pause, give it free and sound circulation, and suffer the energies of the people to be revived and restored. Tell him that, in a single city, more than sixty bankruptcies, involving a loss of upward of fifteen millions of dollars, have occurred. Tell him of the alarming decline in the value of all property, of the depreciation of all the products of industry, of the stagnation in every branch of business, and of the close of numerous manufacturing establishments, which a few short months ago, were in active and flourishing operation. Depict to him, if you can find language to portray, the heart-rending wretchedness of thousands of the working classes cast out of employment. Tell him of the tears of helpless widows, no

longer able to earn their bread; and of unclad and unfed orphans, who have been driven by his policy, out of the busy pursuits in which but yesterday they were gaining an honest livelihood. Say to him, that if firmness be honorable, when guided by truth and justice, it is intimately allied to another quality, of the most pernicious tendency, in the prosecution of an erroneous system. Tell him how much more true glory is to be won by retracing false steps, than by blindly rushing on until his country is overwhelmed in bankruptcy and ruin. Tell him of the ardent attachmen., the unbounded devotion, the enthusiastic gratitude toward him, so often signally manifested by the American people, and that they deserve at his hands better treatment. Tell him to guard himself against the possibility of an odious comparison, with that worst of the Roman emperors, who, contemplating with indifference the conflagration of the mistress of the world, regaled himself during the terrific scene, in the throng of his dancing courtiers. If you desire to secure for yourself the reputation of a public benefactor, describe to him truly the universal distress already produced, and the certain ruin which must ensue from perseverance in his measures. Tell him that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. Inform him that all efforts in Congress, to alleviate or terminate the public distress, are paralyzed, and likely to prove totally unavailing, from his influence upon a large portion of the members, who are unwilling to withdraw their support, or to take a course repugnant to his wishes and feelings. Tell him that, in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that, unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and to reflect that there is a point beyond which human endurance can not go; and let him not drive this brave, generous, and patriotic people, to madness and despair.

Mr. President, unaffectedly indisposed, and unwilling as I am to trespass upon the Senate, I could not decline complying with a request addressed to me, by a respectable portion of my fellow-citizens, part of the bone and sinew of the American public. Like the senator from Massachusetts, who has been intrusted with the presentation of their petition to the Senate, I found them plain, judicious, sensible men, clearly understanding their own interests, and, with the rest of the community, writhing under the operation of the measures of the executive. If I have deviated from the beaten track of debate in the Senate, my apology must be found in the anxious solicitude which I feel for the condition of the country. And, sir, if I shall have been successful in touching your heart, and exciting in you a glow of patriotism, I shall be most happy. You can prevail upon the president to abandon his ruinous course; and, if you will exert the influence which you possess, you will command the thanks and the plaudits of a grateful people.

ON THE STATE OF THE COUNTRY AFTER THE REMOVAL OF THE DEPOSITS.

IN SENATE, MARCH 14, 1834.

[We have here another *impromptu* from Mr. Clay, on presenting several petitions for relief from the effects of the removal of the deposits. The president had seized the purse of the nation, appointed a Secretary of the Treasury, and told him what to do; and he refused to send his name to the Senate for confirmation. The Secretary, as the agent of the president—constitutionally, he is the agent of Congress—had removed the public deposits into such banks as he could find to take them, and those people who are the soul of business being in debt to the bank of the United States, could get no extension, and were called upon to pay, as their notes became due. This operated on all classes of the people, to deprive them of a currency, and to throw them out of business. The distress was universal. The powers of the purse and the sword were now in the hands of one man, and Mr. Taney was the agent of the purse. There was no mode by which Congress could recover possession of the purse, so long as the president refused to send in the name of his appointed agent, and this he would not do while he feared the Senate would not confirm his appointment. Thus stood matters at this time—no remedy for the people, no remedy for Congress. By usurping the purse, the president had usurped all power; and he had done this in the face of a resolution of the House of Representatives, that the public deposits were safe in the Bank of the United States—which was, in fact, an authoritative prohibition of their removal. This resolution was passed for the express purpose of preventing it. The Constitution had purposely put the national treasury in charge of Congress, that the president could never lay his hands upon it. But General Jackson was not a man to stop for the Constitution or laws, and he seized the purse.]

I am charged with the pleasing duty of presenting to the Senate the proceedings of a public meeting of the people, and two memorials, subscribed by large numbers of my fellow-citizens, in respect to the exciting state of public affairs.

The first I would offer are the resolutions of the young men of Troy, assembled upon a call of upward of seven hundred of their number. I have recently visited that interesting city. It is one of the most beautiful of a succession of fine cities and villages that decorate the borders of one of the noblest rivers of our country. In spite of the shade cast upon it by its ancient and venerable sister and neighbor, it has sprung up with astonishing rapidity. When I saw it last fall, I never beheld a more respectable, active, enterprising, and intelligent business community. Every branch of employment was flourishing. Every heart beat high in satisfaction with present enjoyment, and hopes from the prospect of future success. How sadly has the scene changed! How terribly have all their anticipations of continued and increasing prosperity been dashed and disappointed by the folly and wickedness of misguided rulers!

The young men advert to this change, in their resolutions, and to its true cause. They denounce all experiments upon their happiness. They call for the safer counsels which prevailed under the auspices of Washington and Madison, both of whom gave their approbation to charters of a bank of the United States.

But what gives to these resolutions peculiar interest, in my estimation, is, that they exhibit a tone of feeling which rises far above any loss of property, however great, any distress from the stagnation of business, however intense. They manifest a deep and patriotic sensibility to executive usurpations, and to the consequent danger to civil liberty. They solemnly protest against the union of the purse and the sword in the hands of one man. They would not have consented to such a union in the person of the father of his country, much less will they in that of any living man. They feel that, when liberty is safe, the loss of fortune and property is comparatively nothing; but that when liberty is sacrificed, existence has lost all its charms.

The next document which I have to offer is a memorial, signed by nearly nine hundred mechanics of the city of Troy. Several of them are personally known to me. And judging from what I know, see, and hear, I believe there is not anywhere a more skillful, industrious, and respectable body of mechanics, than in Troy. They bear testimony to the prevalence of distress, trace it to the illegal acts of the executive branch of the government in the removal of the public deposits; ask their restoration, and the re-charter of the bank of the United States. And the committee, in their letter addressed to me, say, "We are, what we profess to be, working men, dependent upon our labor for our daily bread, confine our attention to our several vocations, and trust in God and the continental Congress for such protection as will enable us to operate successfully."

The first-mentioned depository of their confidence will not deceive them. But I lament to say that the experience during this session, does not authorize us to anticipate the co-operation in another quarter, which is indispensable to the restoration of the Constitution and laws, and the recovery of the public purse.

The last memorial I would present, has been transmitted to me by the secretaries to a meeting stated to be the largest ever held in the county of Schenectady, in New York. It is signed by about eight hundred persons. In a few instances, owing to the subscriptions having been obtained by different individuals, the same name occurs twice. The memorialists bring their testimony to the existence of distress, and the disorders of the currency, and invoke the application of the only known, tried, and certain remedy, the establishment of a national bank.

And now, Mr. President, I will avail myself of the occasion to say a few words on the subject-matter of these proceedings and memorials, and on the state of the country as we found it at the commencement of the session, and its present state.

When we met, we found the executive in the full possession of the public treasury. All its barriers had been broken down, and in place of the control of the law was substituted the uncontrolled will of the chief magistrate. I say uncontrolled; for it is idle to pretend, that the executive has not unrestrained access to the public treasury, when every officer connected with it is bound to obey his paramount will. It is not the form of keeping the account; it is not the place alone where the public money is kept; but it is the power, the authority, the responsibility of independent officers, checking and checked by each other, that constitute the public security for the safety of the public treasure. This no longer exists, it is gone, is annihilated.

The secretary sent us in a report containing the reasons (if they can be dignified with that appellation) for the executive seizure of the public purse. Resolutions were promptly offered in this body, denouncing the procedure as unconstitutional and dangerous to liberty, and declaring the total insufficiency of the reasons. Nearly three months were consumed in the discussion of them. In the early part of this protracted debate, the supporters of distress, pronounced it a panic got up for dramatic effect, and affirmed that the country was enjoying great prosperity. Instances occurred of members asserting that the places of their own residence were in the full enjoyment of enviable and unexampled prosperity, who, in the progress of the debate, were compelled reluctantly to own their mistake, and to admit the existence of deep and intense distress. Memorial after memorial poured in, committee after committee repaired to the capitol to represent the sufferings of the people, until incredulity itself stood rebuked and abashed. Then it was the bank that had inflicted the calamity upon the country; that bank which was to be brought under the feet of the president, should proceed forthwith to wind up its affairs.

And, during the debate, it was again and again pronounced by the partisans of the executive, that the sole question involved in the resolutions was, bank or no bank. It was in vain that we protested, solemnly protested, that that was not the question; and that the true question was of immensely higher import; that it comprehended the inviolability of the Constitution, the supremacy of the laws, and the union of the purse and the sword in the hands of one man. In vain did members repeatedly rise in their places, and proclaim their intention to vote for the restoration of the deposits, and their settled determination to vote against the re-charter of the bank, and against the charter of any bank. Gentlemen persisted in asserting the identity of the bank question, and that contained in the resolutions; and thousands of the people of the country are, to this moment, deluded by the erroneous belief in that identity.

Mr. President, the arts of power and its minions are the same in all countries and in all ages. It marks a victim; denounces it; and excites the public odium and the public hatred, to conceal its own abuses and encroachments. It avails itself of the prejudices and the passions of the people, silently and secretly to forge chains to inslave the people.

Well, sir, during the continuance of the debate, we have been told over and over again, that, let the question of the deposits be settled, let Congress pass upon the report of the secretary, and the activity of business and the prosperity of the country will again speedily revive. The Senate has passed upon the resolutions, and has done its duty to the country, to the Constitution, and to its conscience.

And the report of the secretary has been also passed upon in the other House; but how passed upon? The official relations which exist between the two Houses, and the expediency of preserving good feelings and harmony between them, forbid my saying all that I feel on this momentous subject. But I must say, that the House, by the Constitution, is deemed the especial guardian of the rights and interests of the people; and, above all, the guardian of the people's money in the public treasury. The House has given the question of the sufficiency of the secretary's reasons the go-by, evaded it, shunned it, or rather merged it in the previous question. The House of Representatives have not ventured to approve the secretary's reasons. It can not approve them; but, avoiding the true and original question, has gone off upon a subordinate and collateral point. It has indirectly sanctioned the executive usurpation. It has virtually abandoned its constitutional care and control over the public treasury. It has surrendered the keys, or rather permits the executive to retain their custody; and thus acquiesces in that conjunction of the sword and the purse of the nation, which all experience has evinced, and all patriots have believed, to be fatal to the continuance of public liberty.

Such has been the extraordinary disposition of this great question. Has the promised relief come? In one short week after the House pronounced its singular decision, three banks in this District of Columbia have stopped

payment and exploded. In one of them the government has, we understand, sustained a loss of thirty thousand dollars. And in another, almost within a stone's throw of the capitol, that navy pension fund, created for our infirm and disabled, but gallant tars, which ought to be held sacred, has experienced an abstraction of twenty thousand dollars! Such is the realization of the prediction of relief made by the supporters of the executive.

And what is the actual state of the public treasury? The president, not satisfied with the seizure of it, more than two months before the commencement of the session, appointed a second Secretary of the Treasury since the adjournment of the last Congress. We are now in the fifth month of the session; and in defiance of the sense of the country, and in contempt of the participation of the Senate in the appointing power, the president has not yet deigned to submit the nomination of his secretary to the consideration of the Senate. Sir, I have not looked into the record, but, from the habitual practice of every previous president, from the deference and respect which they all maintained toward a co-ordinate branch of the government, I venture to say, that a parallel case is not to be found.

Mr. President, it is a question of the highest importance, what is to be the issue, what the remedy, of the existing evils. We should deal with the people, openly, frankly, sincerely. The Senate stands ready to do whatever is incumbent upon it; but unless the majority in the House will relent, unless it will take heed of and profit by recent events, there is no hope for the nation from the joint action of the two Houses of Congress at this session. Still, I would say to my countrymen, Do not despair. You are a young, brave, intelligent, and, as yet, a free people. A completo remedy for all that you suffer, and all that you dread, is in your own hands. And the events, to which I have just alluded, demonstrate that those of us have not been deceived who have always relied upon the virtue, the capacity, and the intelligence of the people.

I congratulate you, Mr. President, and I hope you will receive the congratulation with the same heartfelt cordiality with which I tender it, upon the issue of the late election in the city of New York. I hope it will excite a patriotic glow in your bosom. I congratulate the Senate, the country, the city of New York, the friends of liberty everywhere. It was a great victory. It must be so regarded in every aspect. From a majority of more than six thousand, which the dominant party boasted a few months ago, if it retain any, it is a meager and spurious majority of less than two hundred. And the whigs contended with such odds against them—a triple alliance of State placemen, corporation placemen, and federal placemen, amounting to about thirty-five hundred, and deriving, in the form of salaries, compensations, and allowances, ordinary and extra, from the public chests, the enormous sum, annually, of nearly one million of dollars; marshaled, drilled, disciplined, commanded. The struggle was tremen-

dous; but what can withstand the irresistible power of the votaries of truth, liberty, and their country? It was an immortal triumph—a triumph of the Constitution and the laws over usurpation here, and over clubs, and bludgeons, and violence there.

Go on, noble city! Go on, patriotic whigs! follow up your glorious commencement; persevere, and pause not until you have regenerated and disenthralled your splendid city, and placed it at the head of American cities devoted to civil liberty, as it now stands pre-eminently the first as the commercial emporium of our common country. Merchants, mechanics, traders, laborers, never cease to recollect, that without freedom, you can have no sure commerce or business; and that without law you have no security for personal liberty, property, or even existence! Countrymen of Tone, of Emmet, of Macneven, and of Sampson, if any of you have been deceived, and seduced into the support of a cause dangerous to American liberty, hasten to review and correct your course! Do not forgot, that you abandoned the green fields of your native island to escape what you believed the tyranny of a British king! Do not, I adjure you, lend yourselves, in this land of your asylum, this last retreat of the freedom of man, to the establishment here, for you, and for us all, of that despotism which you had proudly hoped had been left behind you, in Europe, forever! There is much, I would fain believe, in the constitutional forms of government. But at last it is its parental and beneficent operation that must fix its character. A government may in form be free, in practice tyrannical; as it may in form be despotic, and in practice liberal and free.

It was a brilliant and signal triumph of the whigs. And they have assumed for themselves, and bestowed on their opponents, a demonstration which, according to all the analogy of history, is strictly correct. It deserves to be extended throughout the whole country. What was the origin, among our British ancestors, of those appellations? The tories were the supporters of executive power, of royal prerogative, of the maxim that the king could do no wrong, of the detestable doctrines of passive obedience and non-resistance. The whigs were the champions of liberty, the friends of the people, and the defenders of the power of their representatives in the House of Commons.

During our revolutionary war, the tories took sides with executive power and prerogative, and with the king, against liberty and independence. And the whigs, true to their principles, contended against royal executive power, and for freedom and independence.

And what is the present but the same contest in another form? The partisans of the present executive sustain his power in the most boundless extent. They claim for him all executive authority. They make his sole will the governing power. Every officer concerned in the administration, from the highest to the lowest, is to conform to his mandates. Even the public treasury, hitherto regarded as sacred, and beyond his reach, is placed

by them under his entire direction and control. The whigs of the present day are opposing executive encroachment, and a most alarming extension of executive power and prerogative. They are ferreting out the abuses and corruptions of an administration, under a chief magistrate who is endeavoring to concentrate in his own person the whole powers of government. They are contending for the rights of the people, for civil liberty, for free institutions, for the supremacy of the Constitution and the laws. The contest is an arduous one; but, although the struggle may be yet awhile prolonged, by the blessing of God, and the spirit of our ancestors, the issue can not be doubtful.

The Senate stands in the breach, ready to defend the Constitution, and to relieve the distresses of the people. But, without the concurrence of another branch of Congress, which ought to be the first to yield it, the Senate alone can send forth no act of legislation. Unaided, it can do no positive good; but it has vast preventive power. It may avert and arrest evil, if it can not rebuke usurpation. Senators, let us remain steadily by the Constitution and the country, in this most portentous crisis; let us oppose, to all encroachments and to all corruption, a manly, resolute, and uncompromising resistance; let us adopt two rules, from which we will never deviate, in deliberating upon all nominations. In the first place, to preserve untarnished and unsuspected the purity of Congress, let us negative the nominations of every member for any office, high or low, foreign or domestic, until the authority of the Constitution and laws is fully restored. I know not that there is any member of either House capable of being influenced by the prospect of advancement or promotion; I would be the last to make such an insinuation; but suspicion is abroad, and it is best, in these times of trouble and revolution, to defend the integrity of the body against all possible imputations. For one, whatever others may do, I here deliberately avow my settled determination, while I retain a seat in this chamber, to act in conformity to that rule. In pursuing it, we but act in consonance with a principle proclaimed by the present chief magistrate himself, when out of power! But, alas! how little has he respected it in power! How little has he, in office, conformed to any of the principles which he announced when out of office!

And, in the next place, let us approve of the original nomination of no notorious brawling partisan and electioneerer; but, especially, of the reappointment of no officer presented to us, who shall have prostituted the influence of his office to partisan and electioneering purposes. Every incumbent has a clear right to exercise the elective franchise. I would be the last to controvert or deny it. But he has no right to employ the influence of his office, to exercise an agency which he holds in trust for the people, to promote his own selfish or party purposes. Here, also, we have the authority of the present chief magistrate for this rule; and the authority of Mr. Jefferson. The senator from Tennessee (Mr. Grundy), merits lasting praise for his open and manly condemnation of these practices of

official incumbents. He was right, when he declared his suspicion and distrust of the purity of the motives of any officer whom he saw busily interfering in the elections of the people.

Senators! we have a highly responsible and arduous position; but the people are with us, and the path of duty lies clearly marked before us. Let us be firm, persevering, and unmoved. Let us perform our duty in a manner worthy of our ancestors; worthy of American senators; worthy of the dignity of the sovereign States that we represent; above all, worthy of the name of American freemen! Let us "pledge our lives, our fortunes, and our sacred honor," to rescue our beloved country from all impending dangers. And, amid the general gloom and darkness which prevail, let us continue to present one unextinguished light, steadily burning, in the cause of the people, of the Constitution, and of civil liberty.

ON OUR RELATIONS WITH FRANCE

IN SENATE, JANUARY 14, 1835.

[THE government of France, by a treaty with the United States, made in 1831, had agreed to pay an indemnity to us for spoliations on our commerce, the first installment of which, about one million of dollars, was taken by the Bank of the United States, but when presented for payment, it was protested, and thrown back on the Treasury of the United States. General Jackson, as his nature was, resented it as he would a private wrong; and in his annual message of December, 1834, recommended to Congress a measure of reprisals on French commerce to obtain the consideration due. This happened in the reign of Louis Philippe, when the French Chambers refused to make the appropriation to meet the engagement. Nobody doubted that it would ultimately be paid, the present difficulty being supposed to be between the French king and the Chamber of Deputies; and it was a mere question of national policy how this dishonor of our draft should be treated. General Jackson's feeling was, Pay or fight—as no one doubted that reprisals would bring on war.

Mr. Clay was for more moderate counsels. He would have our rights, but not rush into war without giving the French government a chance to settle their own dissensions. Being at the head of the committee on foreign relations in the Senate, he made an elaborate but conciliatory report on the subject, submitting the following resolution:

> Resolved that it is inexpedient, at this time, to pass any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States, the indemnity stipulated by the treaty of 1831, during the present session of the French Chambers.

General Jackson's message had gone before, and had no doubt much disturbed the temper of the French nation. The French

minister was immediately recalled from Washington, and the American minister at Paris had received his passports. The relations between the two governments were evidently extremely critical. Mr. Clay thought, if he could obtain a unanimous vote of the Senate in support of the above resolution, its effect would counteract that of the president's message, and preserve peace; and it was accordingly unanimously affirmed. The indemnity was paid, and the cloud of war blew over. The effects of General Jackson's precipitancy were neutralized by Mr. Clay's wisdom. Otherwise there would, in all probability, have been war between the United States and France.]

It is not my purpose, at the present stage of consideration of this resolution, and I hope it will not be necessary at any stage, to say much with the view of enforcing the arguments in its favor, which are contained in the report of the committee. In the present posture of our relations with France, the course which has appeared to me and to the committee most expedient being to await the issue of those deliberations in the French Chambers which may even at this moment be going on, it would not be proper to enter at large, at the present time, into all the particulars touched upon in the report. On all questions connected with the foreign affairs of the country, differences of opinion will arise, which will finally terminate in whatever way the opinion of the people of this country may so tend as to influence their representatives. But, whenever the course of things shall be such that a rupture shall unfortunately take place between this country and any foreign country (whether France or any other), I take this opportunity of saying, that, from that moment, whatever of energy or ability, whatever of influence I may possess in my country, shall be devoted to the carrying on of that war with the utmost vigor which the arms and resources of the United States can give to it. I will not anticipate, however, such a state of things; nay, I feel very confident that such a rupture will not occur between the United States and France.

With respect to the justice of our claim upon France for payment of the indemnity stipulated by the treaty, the report of the committee is in entire concurrence with the executive. The opinion of the committee is, that the claims stipulated to be paid are founded in justice; that we must pursue them; that we must finally obtain satisfaction for them, and to do so must, if necessary, employ such means as the law of nations justifies, and the Constitution has placed within our power. On these points there is no diversity of sentiment between the committee and the president; there could be no diversity between either the committee or the president and any American citizen.

In all that the president has said of the obligation of the French government to make the stipulated provisions for the claims, the committee entirely concur. If the president, in his message, after making his statement

of the case, had stopped there, and abstained from the recommendation of any specific measure, there could not have been possibly any diversity of opinion on the subject between him and any portion of the country. But, when he declares the confidence which he entertains in the French government; when he expresses his conviction that the executive branch of that government is honest and sincere in its professions, and recites the promise by it of a renewed effort to obtain the passage of a bill of appropriation by the French Chambers, it did appear to the committee inconsistent with these professions of confidence, that they should be accompanied by the recommendation of a measure which could only be authorized by the conviction that no confidence, or at least, not entire confidence, could be placed in the declarations and professions of the French government. Confidence and distrust are unnatural allies. If we profess confidence anywhere, especially if that confidence be but for a limited period, it should be unaccompanied with any indication whatever of distrust; a confidence full, free, frank. But to say, as the president, through our minister, has said, that he will await the issue of the deliberations of the Chambers, confiding in the sincerity of the king, and this, too, after hearing of the rejection of the first bill of appropriation by the Chambers, and now, at the very moment when the Chambers are about deliberating on the subject, to throw out in a message to Congress what the president himself considered might possibly be viewed as a menace, appeared to the committee, with all due deference to the executive, and to the high and patriotic purposes which may be supposed to have induced the recommendation, to be inconsistent to such a degree as not to be seconded by the action of Congress. It also appeared to the committee, after the distinct recommendation by the president on this subject, that there should be some expression of the sense of Congress in regard to it. Such an expression is proposed by the resolution now under consideration.

In speculating upon probabilities in regard to the course of the French government, in reference to the treaty, four contingences might be supposed to arise—first, that the French government may have made the appropriation to carry the treaty into effect before the reception of the president's message; second, the Chambers may make the appropriation after the reception of the president's message, and notwithstanding the recommendation on this subject contained in it; third, the Chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation until what they may consider a menace shall have been explained or withdrawn; or fourth, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the treaty, refuse to pass the bill of appropriation. Now, in any of these contingences, after what has passed, an expression of the sense of Congress on the subject appears to me indispensable, either to the passage of the bill, or the subsequent payment of the money, if passed.

Suppose the bill to have passed before the reception of the message, and the money to be in the French treasury, it would throw upon the king a high responsibility to pay the money, unless the recommendation of the message should be explained or done away, or at any rate unless a new motive to the execution of the treaty should be furnished in the fact that the two Houses of Congress, having considered the subject, had deemed it inexpedient to act until the French Chambers should have had an opportunity to be heard from. In the second contingency, that of the passage of a bill of appropriation after receiving the message, a vote of Congress, as proposed, would be soothing to the pride of France, and calculated to continue that good understanding which it must be the sincere desire of every citizen of the United States to cultivate with that country. If the Chambers shall have passed the bill they will see that though the President of the United States, in the prosecution of a just claim, and in the spirit of sustaining the rights of the United States, had been induced to recommend the measure of reprisals, yet that a confidence was entertained in both branches of Congress that there would be a compliance, on the part of the French government, with the pledges it had given, and so forth. In that contingency, the expression of such a sentiment by Congress could not but have a happy effect. In the other contingency supposed, also, it is indispensable that some such measure should be adopted. Suppose the bill of appropriation to be rejected, or its passage to be suspended, until the Chambers ascertain whether the recommendation by the president is to be carried out by the passage of a law by Congress, a resolution like this will furnish the evidence desired of the disposition of Congress.

If, indeed, upon the reception of the president's message the Chambers shall have refused to make the appropriation, they will have put themselves in the wrong by not attending to the distribution of the powers of this government, and informing themselves whether those branches which alone can give effect to the president's recommendation, would respond to it. But, if they take the other course suggested, that of suspending action on the bill until they ascertain whether the legislative department of the government coincides with the executive in the contingent measure recommended, they will then find that the president's recommendation—the expression of the opinion of one high in authority, indeed, having a strong hold on the affections and confidence of the people, wielding the executive power of the nation, but still an inchoate act, having no effect whatever without the legislative action—had not been responded to by Congress, and so forth. Thus under all contingences happening on the other side of the water, and adapted to any one of those contingences, the passage of this resolution can do no mischief in any event, but is eminently calculated to prevent mischief, and to secure the very object which the president doubtless proposed to accomplish by his recommendation.

I will not now consume any more time of the House by further remarks, but will resume my seat with the intimation of my willingness to modify

the resolution in any manner, not changing its result, which may be calculated to secure, what on such an occasion would be so highly desirable, the unanimous vote of the Senate in its favor. I believe it, however, all-essential that there should be a declaration that Congress do not think it expedient, in the present state of the relations between the United States and France, to pass any law whatever concerning them.

[After brief remarks by several other members, the resolution was slightly modified and passed by a unanimous vote.]

ON OUR RELATIONS WITH THE CHEROKEE INDIANS.

IN SENATE, FEBRUARY 4, 1835.

[Mr. Clay's love of justice was, perhaps, never better exemplified than in his advocacy of the rights of the Cherokee Indians, as set forth in the following speech. One can not but admire such a disinterested and fearless stand for the right. Mr. Clay was a public man, and always a candidate—not self-propounded, but because he could not help it—for the presidency. And should he not fear to offend any one State, whose suffrages might be necessary to elect him? Better, doubtless, that he should so impress that State with a sense of his unpurchasable uprightness, of his purity, and of his unyielding love of justice. If it should be discovered that he might be bought, he would forfeit respect. But such a contingency was never a matter of calculation with Mr. Clay. He went into this debate purely from the impulses of his heart—of his heart toward the poor Indians, and of his heart as it suffered shame for the wrongs which had been inflicted on them. Thus were the senators from Georgia, thus was the State of Georgia, which they represented, rebuked by every word of this speech. The wrongs done to the Cherokee Indians by that State could not be vindicated by any art or special pleading. The Constitution, the most solemn treaties, the decree of the Supreme Court of the United States, and the public conscience of mankind, were against the State of Georgia. But she was resolved to carry her purpose through, and she found one man, whose ministerial office was essential to her, and whose sense of justice was not like that of Mr. Clay—Andrew Jackson. Andrew Jackson was the man, who, acting as President of the United States, could dispense with a decree of the Supreme Court; and so he did in this very case. The field then was all open to the State of Georgia, and she drove out the Cherokees, and divided their lands by lottery among her own citizens. It was General Jack-

son's policy to remove all the Indians west of the Mississippi; and he succeeded. The poor Indians were forced to turn their backs on the graves of their fathers; and there never was a race of men who had stronger affections toward their dead. And what will become of the poor Indians next, as the tides of the white population roll on to the west, demanding their places? Will the Punic faith which swept them from their ancient homes, permit them to stay where they are? Or will it still push them forward, till the waves of the great Pacific shall open to them a burying-place, which will never be left behind with regret, because there will be none left to mourn? The last, probably, will have perished before they will reach that bourne. What judgments of Heaven will fall on the nation that shall have extinguished such a race of men, there is no prophet inspired to declare. The following speech is full of melancholy admonitions of national retribution for this species of national injustice; and they are the recorded utterances of a heart that deplored the wrongs done, and that feared for the wrong-doers.]

Mr. Clay held in his hands, and begged leave to present to the Senate, certain resolutions and a memorial, to the Senate and House of Representatives of the United States, of a council met at Running Waters, consisting of a portion of the Cherokee Indians. The Cherokees have a country—if indeed it can be any longer called their country—which is comprised within the limits of Georgia, Alabama, Tennessee, and North Carolina. They have a population which is variously estimated, but which, according to the best information which I possess, amounts to about fifteen thousand souls. Of this population, a portion, believed to be much the greater part, amounting, as is estimated, to between nine and ten thousand souls, reside within the limits of the State of Georgia. The Senate was well aware that for several years past it had been the policy of the general government to transfer the Indians to the west of the Mississippi river, and that a portion of the Cherokees had already availed themselves of this policy of the government, and emigrated beyond the Mississippi. Of those who remain, a portion—a respectable but also an inconsiderable portion—are desirous to emigrate to the West, and a much larger portion desire to remain on their lands, and lay their bones where rest those of their ancestors. The papers which I now present emanate from the minor portion of the Cherokees; from those who are in favor of emigration. They present a case which appeals strongly to the sympathies of Congress. They say that it is impossible for them to continue to live under laws which they do not understand, passed by authority in which they have no share, promulgated in language of which nothing is known to the greater portion of them, and establishing rules for their government entirely unadapted to their nature, educa

tion, and habits. They say that destruction is hanging over them if they remain; that their right of self-government being destroyed, though they are sensible of all the privations, hardships, and sufferings of banishment from their native homes, they prefer exile, with liberty, to residence in their homes, with slavery. They implore, the intervention of the general government, to provide for their removal west of the Mississippi, and to establish guaranties, never hereafter to be violated, of the possession of the lands to be acquired by them west of the Mississippi, and of the perpetual right of self-government. This was the object of the resolutions and petition which he was about to offer to the Senate.

But I have thought that this occasion was one which called upon me to express the opinions and sentiments which I hold in relation to this entire subject, as respects not only the emigrating Indians, but those also who are desirous to remain at home; in short, to express, in concise terms, my views of the relations between the Indian tribes and the people of the United States, the rights of both parties, and the duties of this government in regard to them.

The rights of the Indians were to be ascertained, in the first place, by the solemn stipulations of numerous treaties made with them by the United States. It was not his purpose to call the attention of the Senate to all the treaties which had been made with Indian tribes bearing on this particular topic; but he felt constrained to ask the attention of the Senate to some portions of those treaties which have been made with the Cherokees, and to the memorable treaty of Greenville, which had terminated the war that previously thereto for many years raged between the United States and the north-western Indian tribes. He found, upon consulting the collection of Indian treaties in his hand, that within the last half century fourteen different treaties had been concluded with the Cherokees, the first of which bore date in the year 1775, and some one or more of which had been concluded under every administration of the general government, from the beginning of it to the present time, except the present administration, and that which immediately preceded it. The treaty of Hopewell, the first in the series, was concluded in 1775, in the third article of which "the said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever." The fifth article of the same treaty provides, that "if any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting-grounds, or, having already settled, and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not, as they please; provided, nevertheless, that this article shall not extend to the people settled between the fork of French Broad and Holston rivers," and so forth.

The next treaty in the series, which was concluded after the establishment of the government of the United States, under the auspices of the father of his country, was in the year 1791, on the bank of the Holston, and contains the following provision: "Article 7. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded." This, Mr. Clay said, was not an ordinary assurance of protection, and so forth, but a solemn guaranty of the rights of the Cherokees to the land in question. The next treaty to which he would call the attention of the Senate was concluded in 1794, also under the auspices of General Washington, and declares as follows: "The undersigned, Henry Knox, Secretary for the Department of War, being authorized thereto by the President of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force, and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever." This treaty, it is seen, renews the solemn guaranty contained in the preceding treaty, and declares it to be binding and obligatory upon the parties in all respects whatever. Again, in another treaty, concluded in 1798, under the second chief magistrate of the United States, we find the following stipulations: "Article 2. The treaties subsisting between the present contracting parties are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue." "Article 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty."

There were other provisions, in other treaties, to which, if he did not intend to take up as little time as possible of the Senate, he might advantageously call their attention. He would, however, pass on to one of the last treaties with the Cherokees, which was concluded in the year 1817. That treaty recognized the difference existing between the two portions of the Cherokees, one of which was desirous to remain at home and prosecute the good work of civilization, in which they had made some progress, and the other portion was desirous to go beyond the Mississippi. In that treaty, the fifth article, after several other stipulations, concludes as follows: "And it is further stipulated, that the treaties heretofore made between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof entitled to all the privileges and immunities which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined." And to this treaty, thus emphatically renewing the recognition of the rights of the Indians, is signed the name, as one of the commissioners of the United

States who negotiated it, of the present chief magistrate of the United States.

These were the stipulations in treaties with the Cherokee nation, to which Mr. Clay said, he thought proper to call the attention of the Senate. He would now turn to the treaty of Greenville, concluded about forty years ago, recognizing some general principles applicable to this subject. Mr. Clay then quoted the fifth article of that treaty, as follows: "To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, or dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever."

Such, sir, are the rights of the Indian tribes. And what are those rights? They are, that the Indians shall live under their own customs and laws; that they shall live upon their own lands, hunting, planting, and dwelling thereon so long as they please, without interruption or molestation of any sort from the white people of the United States, acknowledging themselves under the protection of the United States, and of no other power whatever; that when they no longer wish to keep the lands, they shall sell them only to the United States, whose government thus secures to itself the pre-emptive right of purchase in them. These rights, so secured by successive treaties and guaranties, have also been recognized on several occasions, by the highest judicial tribunals. Mr. Clay here quoted, from an opinion of the Supreme Court, a passage, declaring that the Indians are acknowledged to have an unquestionable and heretofore unquestioned right to their land, until it shall be extinguished by voluntary cession to this government.

But it is not at home alone that the rights of the Indians within the limits of the United States have been recognized. Not only has the executive, the Congress of the United States, and the Supreme Court, recognized these rights, but in one of the most important epochs of this government, and on one of the most solemn occasions in our intercourse with foreign powers, these rights of the Indian tribes have been acknowledged. You, sir (addressing the President of the Senate), will understand me at once to refer to the negotiation between the government of Great Britain and that of the United States, which had for its object the termination of the late war between the two countries. Sir, it must be within your recollection, and that of every member of the Senate, that the hinge upon which

that negotiation turned, and the ground upon which it was for a long time apprehended that the conference between the commissioners would terminate in a rupture of the negotiation between the two countries, was the claim brought forward, on that memorable occasion, by Great Britain, in behalf of the Indians within the limits of the United States. It will be recollected that she advanced, as a principle from which she could not recede, as a *sine qua non*, again and again, during the progress of the negotiation, that the Indians, as her allies, should be included in the treaty of peace which the negotiators were about forming; that they should have a permanent boundary assigned them, and that neither Great Britain nor the United States should be at liberty to purchase their lands.

Such were the pretensions urged on that occasion, which the commissioners of the United States had felt it to be their imperative duty to resist. To establish as the boundary the line of the treaty of Greenville, as proposed, which would have excluded from the benefit of American laws and privileges a population of not less than a hundred thousand of the inhabitants of Ohio, American citizens, entitled to the protection of the government, was a proposition which the American negotiators could not for a moment entertain; they would not even refer it to their government, though assured that it would there meet with the same unanimous rejection that it did from them. But it became a matter of some importance that a satisfactory assurance should be given to Great Britain, that the war, which we were about to bring to a conclusion with her, should close also with her allies; and what was that assurance? Mr. Clay said he would not trouble the Senate with tracing the whole account of that negotiation, but he begged leave to call their attention to one of the passages of it. You will find on examining the history of the negotiation, that the demand brought forward by the British government through their minister, on this occasion, was the subject of several argumentative papers. Toward the close of this correspondence, reviewing the course pursued toward the aborigines by the several European powers which had planted colonies in America, comparing it with that of the United States, and contrasting the lenity, kindness, and forbearance of the United States, with the rigor and severity of other powers, the American negotiators expressed themselves as follows:

"From the rigor of this system, however, as practiced by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of Indians the land they resolved to cultivate, notwithstanding their being

furnished with a charter from their sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians residing in the United States are so far independent, that they live under their own customs, and not under the laws of the United States; that their rights upon the lands where they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them," and so forth.

The correspondence was further continued; and, finally, the commissioners on the part of Great Britain proposed an article to which the American commissioners assented, the basis of which is, a declaration of what is the state of the law between the Indian tribes and the people of the United States. They then proposed a further article which declared that the United States should endeavor to restore peace to the Indians who had acted on the side of Great Britain, together with all the rights, possessions, privileges, and immunities which they possessed prior to the year 1811, that is, antecedently to the war between England and the United States; in consideration that Great Britain would terminate the war, so far as respected the Indians who had been allies of the United States, and restore to them all the rights privileges, possessions, and immunities which these also had enjoyed previously to the same period. Mr. President, I here state my solemn belief, that if the American commissioners had not declared the laws between the Indians and the people of this country, and the rights of the Indians to be such as they are stated to be in the extracts I have read to the Senate; if they had then stated that any one State of this Union who happened to have Indians residing within its limits, possessed the right of extending over them the laws of such State, and of taking their lands, when and how it pleased, that the effect would have been a prolongation of the war. I again declare my most solemn belief that Great Britain, who assented with great reluctance to this mutual stipulation with respect to the Indians, never would have done it at all, but under a conviction of the correspondence of those principles of Indian international law (if I may use such a phrase) with those which the United States government had respected ever since the period of our independence.

Sir, if I am right in this, let me ask whether in adopting the new code which now prevails, and by which the rights of the Indians have been trampled on, and the most solemn obligations of treaties have been disregarded, we are not chargeable with having induced that power to conclude a peace with us by suggestions utterly unfounded and erroneous?

Most of the treaties between the Cherokee nation of Indians and the United States have been submitted to the Senate for ratification, and the

Senate have acted upon them in conformity with their constitutional power. Besides the action of the Senate, as a legislative body, in the enactment of laws in conformity with their stipulations, regulating the intercourse of our citizens with that nation, it has acted in its separate character, and confirmed the treaties themselves by the constitutional majority of two thirds of its members. Thus have those treaties been sanctioned by the government of the United States, and by every branch of that government; by the Senate, the executive, and the Supreme Court; both at home and abroad. But not only have the rights of the Cherokees received all these recognitions; they have been, by implication, recognized by the State of Georgia itself, in the act of 1802, in which she stipulated that the government of the United States, and not the State of Georgia, should extinguish the Indian title to land within her limits; and the general government has been, from time to time, urged by Georgia to comply with its engagement from that period until the adoption of the late new policy upon this subject.

Having thus, Mr President, stated, as I hope with clearness, the rights of Indian tribes, as recognized by the most solemn acts that can be entered into by any government, let me, in the next place, inquire into the nature of the injuries which have been inflicted upon them; in other words, into the present condition of these Cherokees, to whom protection had been assured as well by solemn treaties as by the laws and guaranties of the United States government.

And here let me be permitted to say, that I go into this subject with feelings which no language at my command will enable me adequately to express. I assure the Senate, and in an especial manner do I assure the honorable senators from Georgia, that my wish and purpose are any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actuated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by a contemplation of the miserable condition to which these unfortunate people have been reduced by acts of legislation proceeding from one of the States of this confederacy. I again assure the honorable senators from Georgia, that, if it has become my painful duty to comment upon some of these acts, I do it not with any desire to place them, or the State they represent, in an invidious position; but because Georgia was, I believe, the first in the career, the object of which seems to be the utter annihilation of every Indian right, and because she has certainly, in the promotion of it, far outstripped every other State in the Union.

I have not before me the various acts of the State in reference to the Indians within her bounds; and it is possible I may be under some mistake in reference to them; and if I am, no one will correct the error more readily, or with greater pleasure.

If, however, I had all those laws in my hands, I should not now attempt to read them. Instead of this, it will be sufficient for me to state the effects which have been produced by them upon the condition of the Cher-

okee Indians residing in that State. And here follows a list of what has been done by her Legislature. Her first act was to abolish the government of these Cherokees. No human community can exist without a government of some kind; and the Cherokees, imitating our example, and having learned from us something of the principles of a free Constitution, established for themselves a government somewhat resembling our own. It is quite immaterial to us what its form was. They always had had some government among them; and we guarantied to them the right of living under their own laws and customs, unmolested by any one; insomuch that our own citizens were outlawed should they presume to interfere with them. What particular regulations they adopted, in the management of their humble and limited concerns, is a matter with which we have no concern. However, the very first act of the Georgia Legislature was, to abolish all government of every sort among these people, and to extend the laws and government of the State of Georgia over them. The next step was to divide their territory into counties; the next, to survey the Cherokee land; and the last, to distribute this land among the citizens of Georgia by lottery, giving to every head of a family one ticket, and the prize in land that should be drawn against it. To be sure there were many reservations for the heads of Indian families; and of how much did gentlemen suppose? of one hundred and sixty acres only, and this to include their improvements. But even to this limited possession the poor Indian was to have no fee-simple title; he was to hold as a mere occupant, at the will of the State of Georgia, for just as long or as short a time as she might think proper. The laws at the same time gave him no one political right, whatever. He could not become a member of the State Legislature, nor could he hold any office under State authority, nor could he vote as an elector. He possessed not one single right of a freeman: no; not even the poor privilege of testifying to his wrongs in the character of a witness in the courts of Georgia, or in any matter of controversy whatsoever.

These, Mr. President, are the acts of the Legislature of the State of Georgia, in relation to the Indians. They were not all passed at one session; they were enacted, time after time, as the State advanced further and further in her steps to the acquisition of the Indian country, and the destruction and annihilation of all Indian rights; until, by a recent act of the same body, the courts of the State itself are occluded against the Indian sufferer, and he is actually denied an appeal even to foreign tribunals, in the erection and in the laws of which he had no voice, there to complain of his wrongs. If he enters the hall of Georgia's justice, it is upon a surrender at the threshold of all his rights. The history of this last law, to which I have alluded, is this: when the previous law of the State dividing the Indian lands by lottery was passed, some Indians made an appeal to one of the judges of the State, and applied for an injunction against the proceeding; and such was the undeniable justice of their plea, that the judge found himself unable to refuse it, and he granted the injunction

sought. It was that injunction which led to the passage of this act; to some of the provisions of which I now invite the attention of the Senate. And first to the title of the act; "a bill to amend an act entitled an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims; and also to authorize grants to issue for lots drawn in the late land and gold lotteries"—ah, sir, it was the pursuit of *gold* which led the Spanish invader to desolate the fair fields of Mexico and Peru—"and to provide for the appointment of an agent to carry certain parts thereof into execution; and to fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration, passed the 20th of December, 1833." Well, sir, this bill goes on to provide, "that it shall be the duty of the agent or agents appointed by his excellency the governor, under the authority of this or the act of which it is amendatory, to report to him the number, district, and section of all lots of land subject to be granted by the provisions of said act, which he may be required to do by the drawer, or his agent, or the person claiming the same; and it shall be the duty of his excellency the governor, upon the application of the drawer of any of the aforesaid lots, his or her special agents, or the person to whom the drawer may have *bonâ fide* conveyed the same, his agent or assigns, to issue a grant therefor; and it shall be the duty of the said agent or agents, upon the production of the grant so issued as aforesaid by the grantor, his or her agent, or the person, or his or her agent to whom said land so granted as aforesaid may have been *bonâ fide* conveyed, to deliver possession of said granted lot to the said grantee, or person entitled to the possession of the same under the provisions of this act, or the act of which this is amendatory, and his excellency the governor is hereby authorized, upon satisfactory evidence that the said agent is impeded or resisted in delivering such possession, by a force which he can not overcome, to order out a sufficient force to carry the power of said agent or agents fully into effect, and to pay the expenses of the same out of the contingent fund; *provided* nothing in this act shall be so construed as to require the interference of the said agent between two or more individuals claiming possession, by virtue of titles derived from a grant from the State to any lot."

Thus, after the State of Georgia had distributed the lands of the Indians by lottery, and the drawers of prizes were authorized to receive grants of the land drawn, and with these grants in their hand were authorized to demand of the agent of the State, appointed for the purpose, to be put in possession of the soil thus obtained; and if any resistance to their entry should be made—and who was to make it but a poor Indian?—the governor is empowered to turn out the military force of the State, and enable the agent to take possession by force, without trial, without judgment, and without investigation.

But, should there be two claimants of the prize, should two of the ticket-

holders dispute their claim to the same lot, then no military force was to be used. It was only when the resistance was by an Indian—it was only when Indian rights should come into collision with the alleged rights of the State of Georgia—that the strong hand of military power was instantly to interpose.

The next section of the act is in these words: "and be it further enacted by the authority aforesaid, that if any person dispossessed of a lot of land under this act, or the act of which it is amendatory, shall go before a justice of the peace or of the inferior court, and make affidavit that he or she was not liable to be dispossessed under or by any of the provisions of this or the aforesaid act, and file said affidavit in the clerk's office of the Superior Court of the county in which said land shall lie, such person upon giving bond and security in the clerk's office for the costs to accrue on the trial, shall be permitted within ten days from such dispossessing to enter an appeal to said Superior Court and at said court the judge shall cause an issue to be made up between the appellant and the person to whom possession of said land was delivered by either of said agents, which said issue shall be in the following form."

[Mr. Cuthbert, of Georgia, here interposed; and having obtained Mr. Clay's consent to explain, stated that he had unfortunately not been in the Senate when the honorable senator commenced his speech; but had learned that it was in support of a memorial from certain Cherokee Indians in the State of Georgia, who desired to emigrate. He must be permitted to say, that the current of the honorable senator's remarks did not suit remarkably well the subject of such a memorial. A memorial of a different kind had been presented, and which the committee on Indian affairs had before it, to which the senator's remarks would better apply. The present discussion was wholly unexpected, and it seemed to him not in consistency with the object of the memorial he had presented.]

Mr. Clay replied, that he was truly sorry the honorable gentleman had been absent when he commenced speaking. He had delayed presenting the memorial, because he observed that neither of the senators from Georgia was in his seat, until the hour when they might be expected to be present, and when one of them (Mr. King), had actually taken his seat. If the honorable senator had been present he would have heard Mr. Clay say that he thought the presentation of the memorial a fit occasion to express his sentiments, not only touching the rights of these individual petitioners, but on the rights of all the Indian tribes, and their relations to this government. And if he would have but a little patience he would find that it was Mr. Clay's intention to present propositions which went to embrace both resolutions.

Mr. Clay now resumed the course of his speech. And here, Mr. President, let me pause, and invite the attention of the Senate to the provision in the act of Georgia which I was reading (the substance of which Mr. Clay here repeated), that is, that he may have the privilege of an appeal to a tribuna of justice by forms and by a bond with the nature and force

of which he is unacquainted; and that then he may have—what beside? I invoke the attention of the Senate to this part of the law. What, I ask, does it secure to the Indian? His rights? the rights recognized by treaties? the rights guaranteed to him by the most solemn acts which human governments can perform? No. It allows him to come into the courts of the State, and there to enjoy the benefit of the summary proceeding called in the act "an appeal," but which can never be continued beyond a second term; and when he comes there, what then? He shall be permitted to come into court and enter an appeal, which shall be in the following form:

"A. B., who was dispossessed of a lot of land by an agent of the State of Georgia, comes into court, and, admitting the right of the State of Georgia to pass the law under which agent acted, avers that he was not liable to be dispossessed of said land, by or under any one of the provisions of the act of the General Assembly of Georgia, passed the 20th of December, 1833, 'more effectually to provide for the protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bonnds of their occupant claims, and also to authorize grants to issue for lots drawn in the land and gold lotteries in certain cases, and to provide for the appointment of an agent to carry certain parts thereof into execution, and fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration,' or the act amendatory thereof, passed at the session of the Legislature of 1834: 'in which issue the person to whom possession of said land was delivered shall join; and which issue shall constitute the entire pleadings between the parties; nor shall the court allow any matter other than is contained in said issue to be placed upon the record or files of said court; and said cause shall be tried at the first term of the court, unless good cause shall be shown for a continuance, and the same party shall not be permitted to continue said cause more than once, except for unavoidable providential cause; nor shall said court at the instance of either party pass any order or grant any injunction to stay said cause, nor permit to be engrafted on said cause any other proceedings, whatever.'"

At the same time we find, by another enactment, the judges of the courts of Georgia are restrained from granting injunctions, so that the only form in which the Indian can come before them is in the form of an appeal; and in this, the very first step is an absolute renunciation of the rights he holds by treaty, and the unqualified admission of the rights of his antagonist, as conferred by the laws of Georgia; and the court is expressly prohibited from putting any thing else upon the record. Why? do we not all know the reason? If the poor Indian was allowed to put in a plea stating his rights, and the court should then decide against him, the cause would go upon an appeal to the Supreme Court; the decision could be re-examined, could be annulled, and the authority of treaties vindicated. But, to prevent this, to make it impossible, he is compelled, on entering the court, to renounce his Indian rights, and the court is forbidden to put any thing on record which can bring up a decision upon them.

Mr. President, I have already stated that, in the observations I have

made, I am actuated by no other feelings than such as ought to be in the breast of every honest man, the feelings of common justice. I would say nothing, I would whisper nothing, I would insinuate nothing, I would think nothing, which can, in the remotest degree, cause irritation in the mind of any one, of any senator here, of any State in this Union; I have too much respect for every member of the confederacy. I feel nothing but grief for the wretched condition of these most unfortunate people, and every emotion of my bosom dissuades me from the use of epithets that might raise emotions which should draw the attention of the Senate from the justice of their claims. I forbear to apply to this law any epithet of any kind. Sir, no epithet is needed. The features of the law itself; its warrant for the interposition of military power, when no trial and no judgment has been allowed; its denial of any appeal, unless the unhappy Indian shall first renounce his own rights, and admit the rights of his opponent; features such as these are enough to show what the true character of the act is, and supersede the necessity of all epithets, were I even capable of applying any.

The Senate will thus perceive that the whole power of the State of Georgia, military as well as civil, has been made to bear upon these Indians, without their having any voice in forming, judging upon, or executing the laws under which he is placed, and without even the poor privilege of establishing the injury he may have suffered, by Indian evidence; nay, worse still, not even by the evidence of a white man! Because the renunciation of his rights precludes all evidence, white or black, civilized or savage. There then he lies, with his property, his rights, and every privilege which makes human existence desirable, at the mere mercy of the State of Georgia; a State, in whose government or laws he has no voice. Sir, it is impossible for the most active imagination to conceive a condition of human society more perfectly wretched. Shall I be told that the condition of the African slave is worse? No, sir; no, sir. It is not worse. The interest of the master makes it at once his duty and his inclination, to provide for the comfort and the health of his slave; for without these, he would be unprofitable. Both pride and interest render the master prompt in vindicating the rights of his slave, and protecting him from the oppression of others: and the laws secure to him the amplest means to do so. But who, what human being, stands in the relation of master or any other relation, which makes him interested in the preservation and protection of the poor Indian thus degraded and miserable? Thrust out from human society, without the sympathies of any, and placed without the pale of common justice, who is there to protect him, or to defend his rights?

Such, Mr. President, is the present condition of these Cherokee memorialists, whose case it is my duty to submit to the consideration of the Senate. There remains but one more inquiry before I conclude. Is there any REMEDY within the scope of the powers of the federal government, as given by the Constitution? If we are without power, if we have no constitutional authority, then we are also without responsibility. Our regrets

may be excited, our sympathies may be moved, our humanity may be shocked, our hearts may be grieved, but if our hands are tied, we can only unite with all the good, the Christian, the benevolent portion of the human family, in deploring what we can not prevent.

But, sir, we are not thus powerless. I stated to the Senate, when I began, that there are two classes of the Cherokees: one of these classes desires to emigrate, and it was their petition I presented this morning; and with respect to these, our powers are ample to afford them the most liberal and effectual relief. They wish to go beyond the Mississippi, and to be guarantied in the possession of the country which may be there assigned to them. As the Congress of the United States have full powers over the Territories, we may give to them all the guaranty which Congress can express, for the undisturbed possession of their lands. With respect to their case, there can be no question as to our powers.

And then, as to those who desire to remain on this side of the river, I ask, again, are we powerless? Can we afford them no redress? Must we sit still and see the injury they suffer, and extend no hand to relieve them? It were strange, indeed, were such the case. Why have we guarantied to them the enjoyment of their own laws? Why have we pledged to them protection? Why have we assigned them limits of territory? Why have we declared that they shall enjoy their homes in peace, without molestation from any? If the United States government has contracted these serious obligations, it ought, before the Indians were reduced by our assurances to rely upon our engagement, to have explained to them its want of authority to make the contract. Before we pretend to Great Britain, to Europe, to the civilized world, that such were the rights we would secure to the Indians, we ought to have examined the extent and the grounds of our own rights to do so. But is such, indeed, our situation? No, sir. Georgia has shut her courts against these Indians. What is the remedy? To open ours. Have we not the right? What says the Constitution? "The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

But here was a case of conflict between the rights of the proprietors and the local laws; and here was the very case which the Constitution contemplated, when it declared that the power of the federal judiciary should extend to all cases under the authority of the United States. Therefore, it was fully within the competence of Congress, under the provisions of the Constitution, to provide the manner in which the Cherokees might have their rights decided, because a grant of the means was included in the grant of jurisdiction. It was competent, then, for Congress to decide whether the Cherokees had a right to come into a court of justice and to make an appeal to the highest authority, to sustain the solemn treaties under which their rights had been guarantied, and in the sacred character of which they had reposed their confidence. And if Congress possessed

the power to extend relief to the Indians, were they not bound, by the most sacred of human considerations, the obligations of treaties, the protection assured them, by every Christian tie, every benevolent feeling, every humane impulse of the human heart, to extend it? If they were to fail to do this, and there was, as reason and revelation declared there was, a tribunal of eternal justice, to which all human power was amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that divine vengeance which none would be permitted to avoid, who had committed wrong, or done injustice to others?

At this moment, when the United States were urging on the government of France the fulfillment of the obligations of the treaty concluded with that country, to the execution of which it was contended that France had plighted her sacred faith, what strength, what an irresistible force would be given to our plea, if we could say to France that in all instances, we had completely fulfilled all our engagements, and that we had adhered faithfully to every obligation which we had contracted, no matter whether it was entered into with a powerful or a weak people; if we could say to her, that we had complied with all our engagements to others, that we now came before her, always acting right as we had done, to induce her also to fulfill her obligations to us. How should we stand in the eyes of France and of the civilized world, if we, in spite of the most solemn treaties, which had existed for half a century, and had been recognized in every form, and by every branch of the government; how would they be justified, if they suffered these treaties to be trampled under foot, and the rights which they were to secure, trodden into the dust? How would great Britain, after the solemn understanding, entered into with her at Ghent, feel, after such a breach of faith? And how could he, as a commissioner on the negotiation of that treaty, hold up his head before Great Britain, after having been thus made an instrument of fraud and deception, as he assuredly would have been, if the rights of the Indians are to be thus violated, and the treaties by which they were secured, violated? How could he hold up his head, after such a violation of rights, and say that he was proud of his country, of which they all must wish to be proud?

For himself, he rejoiced that he had been spared, and allowed a suitable opportunity to present his views and opinions, on this great national subject, so interesting to the national character of the country for justice and equity. He rejoiced that the voice which, without charge of presumption or arrogance, he might say, was ever raised in defense of the oppressed of the human species, had been heard in defense of this most oppressed of all. To him, in that awful hour of death, to which all must come, and which, with respect to himself, could not be very far distant, it would be a source of the highest consolation, that an opportunity had been found by him, on the floor of the Senate, in the discharge of his official duty, to pronounce his views on a course of policy marked by such wrongs as were

calculated to arrest the attention of every one, and that he had raised his humble voice, and pronounced his solemn protest, against such wrongs.

He would no longer detain the Senate, but would submit the following propositions.

Resolved, that the commitee on the judiciary be directed to inquire into the expediency of making further provision, by law, to enable Indian nations or tribes, to whose use and occupancy lands are secured by treaties concluded between them and the United States, to defend and maintain their rights to such lands, in the courts of the United States, in conformity with the Constitution of the United States.

Resolved, that the committee on Indian affairs be directed to inquire into the expediency of making further provisions, by law, for setting apart a district of country west of the Mississippi river, for such of the Cherokee nation as may be disposed to emigrate and to occupy the same, and for securing, in perpetuity, the peaceful and undisturbed enjoyment thereof, to the emigrants and their descendants.

Mr. Clay moved that the memorial and resolutions adopted by the council of the Running Waters, be referred to the committee on Indian affairs, and printed.

As to his resolutions, he knew, that in the regular order of business, they could not be taken up until to-morrow, but, if it met with the approbation of the Senate, he would be as well disposed to act on them to-day as to-morrow.

In reply to Mr. Cuthbert, of Georgia, and Mr. White, of Tennessee, Mr. Clay said he could assure the honorable senator from Georgia, that nothing was further from his purpose, than to make any display on this occasion. That he always left to others, and by the judgment of the Senate he was willing to abide, whether the honorable senator himself had not been guilty of that which he imputed to others. For, after addressing the Senate, himself, some time, he had said that he did not intend arguing the question, that Georgia would not appear before the Senate or any other tribunal. Now, Georgia might be content to do that, but could Congress, could honorable senators, reconcile it with their duty, with their responsibility to coldly contemplate the violation of numerous treaties, to witness the destruction of a people under the protection of the United States, and to let that injustice which had been inflicted on these unfortunate Cherokees, be perpetuated without the slightest notice on their part?

The gentleman from Tennessee (Mr. White) had remarked, that they were all unconstitutional treaties; that they had no binding force as treaties; that General Washington was mistaken; that every succeeding administration was mistaken; that General Jackson himself was mistaken, in 1817, in regard to these treaties. Now, if they gave the argument of the honorable senator from Tennessee its full force, what was the consequence? What did he (Mr. Clay) offer? He said, merely to open the question to the court. If they had no validity, if the

question which was sent to the judiciary did not rest upon treaties, they could vindicate no rights under them. Why had Georgia, if she believed there were no treaties, made provisions in her late act to which he had referred? Why shut out the rights of the Indians under the treaty? Why, if she was convinced of the unconstitutionality of the treaties, did she not allow them to be submitted to the federal judiciary, which was bound to declare that they were not obligatory and binding, if unconstitutional? Why has she studiously precluded the possibility of a review, in the Supreme Court, of the decisions of the local tribunals? But the gentleman had told the Senate, that the treaty of '91 was the first that guarantied to the Cherokees their lands, and that President Washington doubted whether it was necessary to submit it to the Senate. It might be true, at the commencement of the government, when every thing was new and unfixed, that there were doubts; but General Washington decided that it was a treaty, and laid it, with his doubts, before the Senate, who decided them, and the treaty was ratified by and with the consent of the Senate. And from that day those doubts have remained dispelled. He was indebted to the honorable senator for the historical fact which he (Mr. Clay) had not before pressed, that this very guaranty which secured to the Indians the undisturbed possession of their lands in the treaty of '91, was inserted by the express direction of the father of his country. And the Senate was called upon now, not merely to violate the solemn obligations which the whole nation had contracted, but to violate the provision which had been inserted at the instance of the venerated father of his country!

The honorable senator had told this body, that the treaty of '91 was the first in which there was any guaranty. If the gentleman meant to say it was the first in which there was any express guaranty, he (Mr. Clay) would admit it. But, in the treaty of '85, if it was not expressed, was it not implied? What was that clause, marking the boundaries of their territory? That, in the same treaty, which places the Indians under the protection of the United States, and excludes them from the authority of any other sovereign? And that which outlaws citizens of the United States who intrude in their territory? What was the meaning of those clauses, if they did not, by implication at least, guaranty their rights, their property, and the peace of their country? But, the gentleman says, that in inserting the guaranty of '91, there was a mistake; it was supposed that it was without the limits of North Carolina, and other States; a mistake which ran through all the treaties from that time down to 1817, which renewed and enforced the pre-existing treaties. So that General Jackson himself had been acting under a mistake when he signed the treaty of 1817. Is it possible, that, if a mistake were committed as early as 1791, it would not have been corrected in some of the various treaties negotiated as late as 1817?

The senator had said also, that the States had a right to extend their

laws over all the territories and people within their limits, as defined by the treaty of '83. Why, that was the very question under consideration, the identical question to be submitted to the judiciary. He (Mr. Clay) contended that the States had no right to extend their laws over that portion of the territory assigned to the Indians, or over the Indians dwelling upon it. And that is the exact question which his resolution proposes to be submitted to the determination of the judiciary, and which the late act of Georgia carefully shuns.

But the senator from Tennessee had asked, "What will the poor Indian, with his six hundred and forty acres of land, do, contending for his rights in a court of justice?" Why, he (Mr. Clay) would admit that his condition would be miserable enough; but it was all they could do for him, and they were bound to do all they could, under the constitutional power they possessed, to maintain his rights. But, he would ask, what was to prevent these Indians, in their corporate, or collective character, from bringing their grievances before the courts? Nothing. And, that they were competent to this, we had only to look at the state papers which had emanated from them, and which did them immortal credit, to be convinced. The senator from Tennessee asked, "What the States would do? Would they array the federal power against the power of the State governments, and thus produce that condition of things which must result in the Indians' being stricken from the face of the earth?" Did not the honorable senator remember the period when a State of this Union was actually arrayed and marshaled to defend its interpretation of the Constitution? He was hearty in the support of the force bill; he did not stop to look at the possible consequences of a civil war. He (Mr. Clay) gave it his reluctant and most painful support. He would gladly have turned the bitter cup from his lips, but he felt it to be his duty to sustain the authority of the general government; and, after giving to the subject the most solemn and serious consideration, he felt himself constrained to sustain that measure. And he went along with the senator from Tennessee upon the principle, now denied by him, that the federal authority must maintain its dignity. He went upon the ground, now abandoned by the senator from Tennessee, that no State ought to array itself against the constitutional powers of this government.

How was the fact up to the period of 1829? The gentleman from Tennessee tells us the true policy of this government is to send those poor creatures beyond the Mississippi, and that there is no impediment in the obligations of subsisting treaties. Never, until the new light burst upon us, that hundreds of Indian treaties, made during a period of half a century, under almost every administration of the government, concluded and ratified with all the solemn forms of a Constitution, and containing the most explicit guaranties and obligations of protection to the Indians, and of security to their possessions, were mere nullities, was it supposed competent to effect a compulsory removal of the Indians beyond the Missis-

sippi. It is true, that the policy of removing them has long been entertained; was contemplated by Mr. Jefferson; but it was a free, voluntary, and unconstrained emigration. No one, until of late, ever dreamed of a forcible removal, against their consent, accomplished either by direct application of military power, or by cruel and intolerable local legislation. He wished that they would voluntarily remove. He believed that absorption or extinction was the only alternative of their remaining in the bosom of the whites. But they were a part of the human race, as capable as we are of pleasure and pain, and invested with as indisputable a right as we have, to judge of and pursue their own happiness.

It is said, that annihilation is the destiny of the Indian race. Perhaps it is, judging from the past. But shall we therefore hasten it? Death is the irreversible decree pronounced against the human race. Shall we accelerate its approach, because it is inevitable? No, sir. Let us treat with the utmost kindness, and the most perfect justice, the aborigines whom Providence has committed to our guardianship. Let us confer upon them, if we can, the inestimable blessings of Christianity and civilization, and then, if they must sink beneath the progressive wave of civilized population, we are free from all reproach, and stand acquitted in the sight of God and man.

The senator from Tennessee has left the Senate under the impression, no doubt unintentionally, that three other States had advanced as far as Georgia in the exercise of a jurisdiction over the Indians and their property. But if he (Mr. Clay) were rightly informed, this was far from correct. North Carolina had exercised no such jurisdiction. She had not touched a hair upon the head of any Indian. Tennessee had extended her laws to the Indian country, for the sole purpose of protecting the Indians, and punishing the white intruders. Her upright judges and tribunals concurred, unanimously, if he were rightly informed, in supporting the Indian rights. No State, he believed, but Georgia, had seized upon the Indian lands, and distributed them among the whites. From the commencement of our independence down to this time, there was not another instance of such seizure, and appropriation, by any other member of the confederacy.

Mr. Clay assured the senator from Georgia, that he had not sought for the position in which he was placed. It was sought of him. He was applied to by the unfortunate Cherokees, to present their case to the Senate. And he should have been false and faithless to his heart, and unworthy of human nature, if he had declined to be their organ, however inadequate he feared he had proved himself to be.

On the whole, then, said Mr. Clay, the resolutions proposed an inquiry into the suitableness of making further provision for the Cherokees who choose to emigrate beyond the Mississippi. And in regard to those of them who will not go, but who prefer to cling to the graves of their forefathers, and to the spot which gave them birth, in spite of any destiny im-

pending over them, the resolution proposes, that, since Georgia has shut her courts against them, we should inquire whether we should not open those of the federal government to them, and ascertain whether, according to the Constitution, treaties, and laws, we are capable of fulfilling the obligations which we have solemnly contracted.

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